

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

222

CRM-M-33674-2021 (O&M)

Date of decision: 27.10.2021

Jaspreet Singh @ Jassi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Salana, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.20 dated 12.02.2020 lodged under Sections 376-D and 506 of the Indian Penal Code, 1860 registered at Police Station Amloh, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that on a perusal of the FIR in question it is clearly discernible that both the prosecutrix and co-accused Gurpreet Singh i.e. brother of the petitioner were in a consensual relationship with each other. Learned counsel further submits that it is on account of relations between the prosecutrix and co-accused Gurpreet Singh having turned sour, she levelled false and fabricated allegations not only against him but implicated the petitioner in the crime in question on account of his close relationship with Gurpreet Singh. It has also been submitted that besides there being a delay of seven months in lodging of the FIR in question from the date

of alleged occurrence, the factum of the prosecutrix not levelling any allegations against the petitioner in her statement recorded under Section 161 of the Cr.P.C. (Annexure P-3) went a long way to lend credence to a concocted version having been brought-forth, for reasons but obvious.

Learned counsel for the petitioner has further submitted that as the petitioner has been in custody since 06.08.2020 and the material witness i.e. the prosecutrix stands examined, he be extended the concession of bail as his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Gurbachan Singh, has not been able to controvert the factum of the prosecutrix not naming much less levelling any allegations of rape against the petitioner in her statement recorded under Section 161 of the Cr.P.C. (Annexure P-3). However, she submits that the allegations had been levelled against the petitioner by the prosecutrix both in the FIR as well as reiterated while recording her statement under Section 164 of the Cr.P.C. on 19.02.2020 i.e. seven days after registration of the FIR in question. She has further apprised the Court on instructions that while stepping into the witness box, the prosecutrix had reiterated the allegations against the petitioner.

Learned State counsel does not dispute that the prosecutrix is the only material witness in the case in hand and her evidence already stands recorded. She has apprised the Court that 13 more prosecution witnesses remain to be examined and the next date before the trial

Court is 09.11.2021.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances as enumerated hereinabove coupled with the factum of the evidence of the prosecutrix having been recorded, no useful purpose will be served to keep the petitioner behind bars. The petition as such is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.10.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No