

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CRM-M-28943-2020

DATE OF DECISION: 14.01.2021

KULDEEP SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.132 dated 11.09.2019, under Section 376 IPC, registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner contends that it is alleged by the complainant that prior to her marriage the petitioner had made physical relations with the complainant against her will. He further contends that there is a delay of over 3 months in registering the FIR. The alleged incident is stated to have been taken place on 08.06.2019 and she had never made any complaint about the incident prior to her marriage. The petitioner is in custody for over 1 year and 2 months. He is not involved in any other case.

Learned State counsel, upon instructions from ASI Gurdev Singh, contends that although charges have been framed but no prosecution witness has been examined. He has filed custody certificate through email which indicates that the petitioner is in custody for a period of 1 year, 2 months and 3 days.

Heard through video conferencing.

In view of the above, especially when the petitioner is in custody for over 1 year and 2 months, he is not involved in any other case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is, however, made clear that the petitioner will not try to make any effort to contact the petitioner or her family members. He shall also report at Police Station Badhni Kalan, District Moga every alternate Monday till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

14.01.2021

SwarnjitS

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