

212.

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

CRM-M-33923-2021

Date of Decision: 13.10.2021

(Heard through VC)

BHAGWANT SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.P. Kaushal, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Ms. Nritika Verma, Advocate,
for the complainant.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.43, dated 16.04.2021, registered under Section 376 of IPC at Police Station Fattudhinga, District Kapurthala.

Learned counsel for the petitioner herein would contend false implication by contending that the FIR itself would show that the prosecutrix was in a relationship with the petitioner herein for the last 10 years and when he failed to solemnize marriage, the instant FIR has come to be registered. It is argued that DNA report would not support the allegations of any offence of rape. It is submitted that the custody of the petitioner

would no longer be required as the matter stands investigated and the challan has been presented on 08.10.2021.

On the other hand, learned State counsel opposes the grant of regular bail, however, is not in a position to dispute the fact that DNA report has not been made available which does not match with the DNA of the petitioner herein and the fact that the matter has been investigated and challan has been presented.

I have heard learned counsel for the parties.

Keeping in view the fact that the petitioner is in custody since 18.04.2021 and his custody would no longer be required as the matter stands investigated and challan presented and the trial in the case will take time to conclude, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

13.10.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No