

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-37406 of 2021
Date of decision: 16.09.2021

Mehanga Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Paras Jagga, Advocate
for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.160 dated 25.11.2019, registered under Sections 376, 354, 354-A, 323 and 506 of IPC, at Police Station Shambhu, District Patiala.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present case and the allegations with regard to Section 376 of the IPC are incorrect and false.

Learned counsel submits that even the prosecutrix has already been examined and therefore, as the trial is likely to take some time to conclude, the petitioner, who is behind the bars since 26.11.2019 may

kindly be granted benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the video proceedings, accepts notice on behalf of the respondent-State and Mr. Paras Jagga, Advocate, who has joined the video proceedings, accepts notice on behalf of the complainant.

Learned State counsel submits that the charges have already been framed against the petitioner and the prosecutrix has already been examined but there are other witnesses, who are yet to be examined.

Learned counsel appearing for the complainant submits that in case the petitioner is granted benefit of regular bail at this stage, it is likely that he will influence the trial as well as the witnesses. He further submits that the pressure has already been mounted upon the prosecutrix to resile but she withstood the said pressure by stating actual facts in her testimony. Therefore, for the conduct of a smooth trial, the prayer of the petitioner for grant of regular bail may kindly be adjourned.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner is behind the bars for the last approximately 2 years. The prosecutrix has already been examined. The trial is likely to take some time as 18 witnesses are yet to be examined. The allegation that the petitioner will influence the trial, in case granted bail is only an apprehension without any basis as nothing cogent has been brought to the notice of this Court to corroborate the said allegations.

Keeping in view the facts and circumstances noticed above, as prosecutrix has already been examined, no useful purpose will be solved by

keeping the petitioner behind the bars, the petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that in case any cogent evidence is brought to the notice of the trial Court that the petitioner is influencing the trial or the witnesses, the Court below will be free to pass the appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

16.09.2021
D.Bansal

(HARSIMRAN SINGH SETHI)
JUDGE

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