

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

240

**CRM-M-35098 of 2020
Date of Decision: 14.01.2021**

Akashdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Divjyot S. Sandhu, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of bail under the provisions of Section 439 of the Cr.P.C., upon FIR no.148, dated 18.07.2020, having been registered at Police Station Kotwali, Kapurthala, District Kapurthala, alleging therein the commission of offences punishable under Sections 363 and 366 of the IPC.

Learned counsel for the petitioner submits that as a matter of fact admittedly the alleged victim was of the age of majority and even in her statement under the provisions of Section 164 of the Cr.P.C. she did not make any allegation of rape against the petitioner, with the petitioners' case actually being that she had come with him willingly but they could not get married and approach this court for protection.

Learned State counsel on the other hand submits that though of course there is no allegation of rape made by the (alleged) victim in her statement before the learned Magistrate, however actually she has not supported the aforesaid contention of learned counsel for the petitioner, inasmuch as she stated before the learned Magistrate that she was forced to sit in his car and go away.

Upon query to him, he does not deny that the petitioner has been in custody since July 2020, with the report under Section 173 of the Cr.P.C. having been submitted to the trial court and with the charges having been framed but with no prosecution witness having been examined so far.

That being so, without making any comment on the actual merits of the case, looking at the entire circumstances and the period of custody, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

January 14, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No