

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-40733-2021(O&M)
Decided on : 04.10.2021**

SUBA SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr.Siddharth Gupta, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Gurcharan Singh.

MANJARI NEHRU KAUL, 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.0039, dated 15.02.2020 under Sections 376 of the IPC and Section 8 of POCSO Act, registered at Police Station Sangat, District Bathinda.

Learned counsel submits that the perusal of the FIR in question (Annexure P-1) leaves no manner of doubt that the victim (who was just a few days short of attaining the age of majority) and the petitioner had been in a consensual relationship with each other. Learned counsel submits that a totally unbelievable version has been brought forth in the FIR in question that when the victim along with her family was asleep at night on 20.09.2019, the petitioner sneaked into their house, gagged her and thereafter took her to his own house where he violated her person. Learned

counsel submits that it cannot be believed that the petitioner would have managed to forcibly take the prosecutrix away from her own house without any hue and cry being raised. Learned counsel submits that thereafter allegedly the petitioner continued raping the prosecutrix on a number of occasions after putting her under threat. He submits that it cannot be yet again believed that during the period, when the prosecutrix was subjected to repeated rape by the petitioner, she would not have brought the same to the notice of her family or reported against the petitioner to anyone. It has been submitted that no doubt the prosecutrix did level allegations against the petitioner in her statement recorded under Section 164 CrPC, however, it was evident that the said statement was a tutored and concocted version given by her for reasons best known rather obvious.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from ASI Gurcharan Singh has apprised the Court that 05 out of 17 prosecution witnesses including the victim and investigating officer stand examined. He has further apprised the Court that the victim has supported the case of the prosecution.

Heard learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 16th February 2020 and there is no likelihood of the trial concluding any time in the near future. In the facts and circumstances as enumerated hereinabove, more so, since the material witnesses stand examined, further incarceration of the petitioner

would not serve any purpose. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 04, 2021
S.Sharma(syr)

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