

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

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**CRM-M-39122-2020(O&M)
Decided on : 27.04.2021**

RANJIT SINGH @ KAKA

... Petitioner(s)

Versus

THE STATE OF PUNJAB

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Nikhil Kumar, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Harjinder 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.185, dated 01.12.2019 under Sections 376, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Satnampura, District Kapurthala.

Learned counsel contends that totally false, fabricated and unbelievable allegations have been levelled by the prosecutrix in the FIR in question that she was raped by the petitioner in a hotel room in connivance and in the presence of his wife, who happens to be an old friend of the prosecutrix. He submits that it was the admitted case of the prosecutrix that she had accompanied the petitioner and his wife to the hotel room to celebrate her birthday. Learned counsel has submitted that except for bald and vague allegations that she was raped after she was made to consume some sedative in a cold-drink, there was no material on record, much less, any medical evidence to corroborate or substantiate the allegations of rape. Learned counsel has further submitted that the delay of two and a half months in the lodging of the FIR from the date of alleged occurrence raises

a further question mark about the authenticity of the allegations levelled in the FIR in question.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Harjinder Singh has submitted that challan stands presented and charges are likely to be framed in the near future. He submits that serious allegations have been levelled by the prosecutrix against the petitioner in the FIR in question and hence, he should not be extended the concession of bail.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner as the petitioner has been in custody since 08.01.2020 and there is no likelihood of the trial concluding any time in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 27, 2021

S.Sharma(syr)

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