

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.44985 of 2021 (O&M)

Date of Decision:02.11.2021

(Heard through VC)

Kulwant Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manu Loona, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.201 dated 11.06.2020 registered under Sections 376, 34 IPC (Section 376-D IPC added later on) at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner prays for grant of regular bail to the petitioner by contending that he has been falsely implicated in the said matter. It is argued that the allegations against petitioner herein that he had forced himself upon the prosecutrix are falsified as DNA report made available on record would reflect that 'human semen' was not detected on vaginal swabs Exhibits A-1 and B-2. It is further argued that the co-accused has already been granted regular bail by this Court vide order dated 01.10.2021 passed in CRM-M No.40591 of 2021 titled as *Sukhdev Singh @ Sukha Vs. State of Punjab*. It is submitted that the matter has been investigated and challan stands presented and the trial is likely to take some

time to conclude, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature but is not in a position to dispute the fact that the investigation stands completed and challan has been presented and the co-accused has been allowed regular bail by this Court.

I have heard counsel for the parties and have perused the case file. Keeping in view the fact that the matter has been investigated and moreover, the DNA report also does not support the allegations of rape against the petitioner herein and the co-accused has been allowed regular bail by this Court as well as the fact that the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observations made hereinbefore shall not be construed as an expression on merits of the case and is limited only for the purpose of decision of the instant bail petition.

November 02, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No