

218

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39441-2020

Date of Decision: 27.01.2021

Rinku Singh @ Chamkaur Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parshotam Lal Singla, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.44 dated 22.04.2020, registered under Section 376 IPC, 1860 at Police Station Nihal Singh Wala, District Moga. The petitioner is in custody since his arrest on 23.04.2020.

The FIR was registered on the statement of Mandeep Kaur and the allegations as noticed by Id. Addl. Sessions Judge, Moga in the order dated 30.05.2020 are as under:

“Perusal of FIR reveals that present case was registered on the statement of complainant/prosecutrix (name withheld) on the allegations that she is a widow lady having three minor children. On 22.04.2020, at about 4.00 AM, when she went to bathroom, in the meantime, the accused/applicant, who is her neighbourer entered into her house and thereafter, he took her in a room, where he forcibly committed rape upon her.”

Learned counsel for the petitioner contends that the complainant, who is a widow, willingly entered in relationship with the petitioner and upon a complaint given by petitioner's wife (Sukhbir Kaur), a compromise was arrived at between the parties on 14.09.2019 (Annexure P-3). He contends that the said compromise describes the relation of the petitioner and the complainant-Mandeep Kaur as love affair, and therefore, the allegations of rape levelled by the complainant in the FIR are false. He has further invited the attention of the Court to the photographs of the petitioner and complainant to contend that they both were having close friendship. He submits that though the investigation of the case is complete and the case has been committed, but charges have not been framed so far. He prays for regular bail.

On the other hand, learned State counsel assisted by ASI Mangal, has opposed the prayer on the ground that the allegations levelled against the petitioner are serious, however it is not disputed that the trial is yet to commence.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 23.04.2020, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

to the satisfaction of the trial Court/Duty Magistrate Moga.

The petition is allowed.

27.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No