

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-39439-2020(O&M)
Date of Decision: 17.09.2021**

(Heard through VC)

Sukhdev Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naresh Kumar , Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Nitin Mittoo, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

CRM-30168-2020

Prayer in the application is for placing on record Annexures P-3 and P-4.

Allowed as prayed for.

Annexures P-3 and P-4 are taken on record.

CRM-M-39439-2020(O&M)

The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No.172 dated 10.12.2019 under Sections 376, 354A IPC registered at Police Station Mahlpur, District Hoshiarpur.

Learned counsel for the petitioner herein would submit the allegation that the prosecutrix was taking tuition from the wife of the petitioner herein, is belied, as the wife of the petitioner is 8th class pass whereas the prosecutrix was studying in 12th standard at the time of the

alleged offence. It is also submitted that two incidents stated in the FIR are of dates when the petitioner was not present at the site and he was in his office and in fact his presence was also marked in the office on the said dates. It is also argued that there is inordinate delay in registration of the FIR which is registered after the period of seven months and there is no medical record to support the allegations of the rape. It is further contended that prosecutrix has been examined and, therefore, the petitioner herein would be not in a position to influence her in any manner. It is submitted that 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 opposes the grant of regular bail referring to the seriousness of the allegations but is not in a position to dispute the fact that there is no medical record and that there is a delay in registering of the FIR.

I have heard counsel for the parties and have also perused case file.

In view of the fact that the material witnesses stand examined and there remains no chances for the petitioner to hamper the trial in any manner and trial is likely to take long to conclude, without commenting the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

17.09.2021	(JAISHREE THAKUR)	
Riya	JUDGE	
Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No