

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

208

**CRM-M-40944-2020
Date of decision: 22.03.2021**

Satgur Singh @ Sattu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

Mr. J.K. Singla, Advocate
for the prosecutrix.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.44 dated 01.05.2020 registered under Sections 376-D, 366 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SCST Act") in Police Station Boha, District Mansa to which Section 376 of the IPC and Section 3(w) of the SCST Act were added and from which Section 376-D of the IPC and Section 3(2) of the SCST Act were deleted lateron.

The petitioner being in custody has filed the present

petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Baljinder Singh Pannu, PPS, Deputy Superintendent of Police, Sub-Division Budhladha, District Mansa.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

The prosecutrix has also put in appearance but no reply has been filed by the prosecutrix.

I have heard arguments addressed by learned Counsel for the petitioner, learned State Counsel and learned Counsel for the prosecutrix and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on false, frivolous and concocted allegations. The prosecution version given in the FIR as to abducting a girl from her house forcibly by scaling over the wall with the girl not resisting and no one else coming to know about the same is highly unbelievable. There are material contradictions in the statement of the prosecutrix made to the police and her statement recorded under Section 164 of the Cr.P.C. The prosecutrix was got medically examined and no injuries were found on her person and the medical report does not support the case of the prosecution. No such offence as alleged was committed by the petitioner. In any case the matter has also been compromised with the prosecutrix. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the

petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned Counsel for the prosecutrix has not disputed the factum of compromise and submitted that the prosecutrix has no objection if the petitioner is granted regular bail.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, also the factum of compromise and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.03.2021

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No