

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42194 of 2020
Date of decision: 07.01.2021

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Vaibhav Narang, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Short reply filed by the learned State counsel is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.57 dated 03.07.2019 under Sections 376 and 506 of IPC registered at Police Station Rangar Nangal, District Batala.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present case by the complainant due to the reasons that the petitioner had given a loan of Rs.3.5 lacs to the family of the complainant, which was being demanded back by the petitioner.

Learned counsel for the petitioner further argues that the allegations alleged

against the petitioner are prima facie incorrect and false and rather motivated and have also not been proved in the chemical report which has been received from the Chemical Examiner on 20.10.2020.

Learned State counsel submits that the allegations against the petitioner are very serious but, concedes the factum of the Chemical report received, according to which, no spermatozoa was detected.

Learned counsel appearing for the complainant submits that the petitioner, who is the father-in-law of the complainant had crossed all the boundaries required to be maintained by a civilized citizen while committing atrocities as alleged in the FIR. Learned counsel appearing for the complainant opposes the prayer of the petitioner for the grant of regular bail but, concedes the factum of chemical report, according to which, no spermatozoa was found.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Petitioner is already behind the bars since 14.08.2019. The complainant has already been examined. Further, keeping in view the facts and circumstances of this case as noticed hereinbefore, coupled with the fact that the trial is likely to take some time before it concludes and no justifiable purpose will be served by keeping the petitioner behind the bars, the petitioner has made out a case for the grant of benefit of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that while on bail, the petitioner will maintain a good conduct and will not obstruct the

trial in any manner or influence the witnesses, whose statement is yet to be recorded. In case of default of the above undertaking, the State and the complainant will be at liberty to approach this Court for passing an appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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