

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

**CRM No.2878 of 2021 in/and
CRM No.M-43211 of 2020
Date of Decision: February 08, 2021**

Manpreet Singh @ Mani

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Arpan Sabharwal, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the COVID-19 pandemic.

CRM-2878-2021

The application is allowed, subject to all just exceptions.
Annexure P-7 is taken on record.

CRM-M-43211-2020

Petitioner has filed this second petition under Section 439
Cr.P.C. for grant of regular bail in case FIR No.162 dated 01.08.2019 under
Sections 376 and 506 IPC, registered at Police Station Division No.7,
Ludhiana.

Notice of motion.

Mr.Sandeep Vermani, Addl. Advocate General, Punjab, accepts

notice on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The aforesaid case was registered on the basis of the application filed by the prosecutrix, wherein she has alleged about the petitioner to have developed interaction with her on the allurement of job and he developed phono-connectivity with the prosecutrix as well as her brother. On 23.07.2019, he had taken her alongwith her brother while on Activa and had dropped her brother near Shiv Puri and he drove her around and took her to Hotel Classic near bus stands Ludhiana. He took her in room No.302 on the third floor and had projected about some Sir to be taking her interview. When she refused to go inside the room, he had forcibly taken her inside the room, against her wish and closed the door and thereafter, he had sexually assaulted her.

Now, it is submitted by learned counsel for the petitioner that a false case has been registered against the petitioner. He further submitted that statement of the prosecutrix has already been recorded, before the trial Court. However, the statements of other witnesses, are yet to be recorded and thus, conclusion of the trial, is likely to take time. The petitioner is in custody since 01.08.2019. He also submitted that there is delay in recording of the FIR and also, in conducting medical examination of the prosecutrix. As such, a prayer has been made for grant of bail to the petitioner.

On the contrary, learned State counsel has resisted the claim of the petitioner for grant of bail. He submits that serious offence has been committed by the petitioner, on the pretext of providing job to the prosecutrix. Also, he submits that trial is going on and out of ten witnesses,

three witnesses have already been examined and he has given assurance to expedite the trial.

In the present case, there are stated to be ten witnesses, cited in the list of witnesses by the prosecution, out of which, three witnesses have already been examined. The statement of prosecutrix has also been recorded and copy whereof, has been taken on record today. Though, it is submitted that a false case has been planted upon the petitioner but however, it is too early to comment upon the same. Rather, a suggestion had been itself given to the prosecutrix, thereby stating that she has consented for the sexual intercourse with the accused and this suggestion has been categorically denied by the prosecutrix. Considering the same, it is too early to comment upon the falsity of the case, as now submitted by learned counsel for the petitioner. Even though, delay is stated to be there in registration of the case and also about conducting of the medical examination of the prosecutrix but however, these matters can only be appraised, after recording of the statements of the witnesses. At this stage, delay *ipso facto*, does not make out a case for grant of bail. However, there are clear and specific allegations about the petitioner having forced himself upon the prosecutrix.

Considering the same, at this stage, no case is made out for grant of bail to the petitioner. Consequently, the present petition is dismissed.

(ARCHANA PURI)
JUDGE

February 08, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No