

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

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**CRM-M-48859-2021
Date of decision: 09.12.2021**

Bant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Kamaldeep Kaur, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.151 dated 23.07.2020 lodged under Sections 376 and 342 IPC registered at Police Station Dirba, District Patiala.

Learned counsel submits that the petitioner has been falsely implicated in the case in hand which is evident from the fact that a negative FSL report had been received. She further submits that a highly improbable story has been brought-forth in the FIR in question that the petitioner, aged 49 years, committed rape upon the prosecutrix, who was a 65 years old woman. She submits that as the petitioner has been in custody since 23.07.2020, he may be extended the concession of bail as the trial is going to take considerable time to conclude.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. She has submitted that the petitioner committed a heinous and grave offence of

committing rape upon a 65 years old woman by dragging her inside his room when she went to collect wheat-flour from his shop. She further submitted that on a hue and cry raised by the prosecutrix, the passersby were attracted to the spot, who then broke open the door and rescued the prosecutrix from the clutches of the petitioner. Learned State counsel has submitted that the prosecutrix while getting her statement recorded under Section 164 Cr.P.C. had reiterated the allegations levelled in the FIR in question and further duly supported the case of the prosecution while stepping into the witness box as PW-1. It has also been submitted that 16 prosecution witnesses out of 20 prosecution witnesses stand examined and hence the trial shall not take much time to conclude.

I have heard learned counsel for the parties and perused the material on record.

Considering the serious and specific allegations levelled against the petitioner of having raped a 65 years old woman, this Court does not deem it appropriate to extend the concession of bail to the petitioner.

Dismissed.

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

09.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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