

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2363-2022 (O&M)

Date of Decision: 21.03.2022

HARDEEP KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K. Handa, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

* * *

VIVEK PURI, J. (ORAL)

CRM-10371-2022

Vide this application, the applicant seeks to place on record the statements of the prosecutrix, Annexure P-3.

By recording no objection on behalf of the learned State counsel, the same is taken on record.

Registry is directed to annex the same at the appropriate place.

The present application is disposed of.

CRM-M-2363-2022

Petitioner is seeking regular bail in case bearing FIR No.142 dated 11.08.2021 under Section 376, 506 IPC, registered at Police Station Mahilpur, District Hoshiarpur.

Briefly, the case has been registered on the basis of the

statement of the prosecutrix alleging that she is a house wife and in the year 2013, she was elected as Sarpanch of the village. During the tenure as Sarpanch she came in contact with the petitioner who was working as a Press Reporter. On 14.02.2014, the petitioner called the prosecutrix to her shop, administered something in the Tea and she became unconscious. The petitioner was taken to the back room and rape was committed upon her. The petitioner had been subsequently also making physical relations with the prosecutrix by threatening her on the score that he was having her naked photographs. The petitioner had also taken a sum of Rs.4,50,000/- from the prosecutrix by blackmailing her.

Learned counsel for the petitioner contends that he is in custody for a period of about seven months and three days, not involved in any other case and has been falsely implicated in the instant case. There is a delay of seven years in lodging the FIR and furthermore, during the course of trial, the prosecutrix has not supported the prosecution version and even there is no medical evidence to support the version of the prosecution.

On instructions from ASI Vassdev, learned State counsel has not disputed the fact that the prosecutrix has not supported the prosecution version during the course of the trial and the prosecutrix had refused to get herself medico legally examined during the course of investigation.

In the instant case, there is a delay about seven years in lodging the FIR. There is no medical evidence to support the version of the prosecution. The petitioner is in custody for a period of about seven months and three days and not involved in any other case. Significantly the prosecutrix has not supported the prosecution version.

As such, sufficient mitigating circumstances made out to extend

the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

21.03.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No