

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

CRM-M-9387-2022

Date of Decision: 10.3.2022

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S. Salana, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.20 dated 12.2.2020, registered under Section 376-D, 506 IPC, at Police Station Amloh, District Fatehgarh Sahib.

As per factual matrix of the case, the FIR in question was lodged by the prosecutrix/victim herself (name concealed), wherein, she levelled allegations against the petitioner and co-accused Jaspreet Singh Jassi. As per FIR, the victim used to work as Nurse at I.V.Y. Hospital, GT Road Khanna. She met the petitioner in August, 2018 at village Chahal bus stop and thereafter, the petitioner and the prosecutrix continuously started talking to each other. The petitioner expressed his love for the victim and told her that if the same is not accepted by her, he would commit suicide. On hearing this, the victim accepted his offer. On 19.10.2018, the petitioner took the victim to a house situated at Amloh, where he established physical relations with her on the pretext of marriage. On 4.7.2019, when victim was going to Hospital for work, the petitioner alongwith co-accused made her de-board from the bus on the pretext that his parents wish to meet her. However, she was taken to a room at village Ghallu Majra, Tehsil Amloh,

where the petitioner and co-accused raped her. During this, some policemen came and seeing them the co-accused ran away. The entire incident was brought to the notice of the police, however, no action was taken. Thereafter, the present FIR was lodged to take legal action against the accused persons. The petitioner was arrested on 6.8.2020. He approached the learned Additional Sessions Judge, Fatehgarh Sahib for grant of bail, who after hearing the parties, declined the same vide its order dated 19.5.2021. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner submits the petitioner has been falsely implicated in the present FIR as a perusal of the FIR in question shows that both the petitioner and the prosecutrix were in a consensual relationship with each other. Learned counsel further submits that it is on account of relations between the prosecutrix and the petitioner having turned sour, she levelled false and fabricated allegations against him. He further submits that Jaspreet Singh @ Jassi co-accused has already been granted regular bail by this Court vide order dated 27.10.2021 in CRM-M-33674-2021. Learned counsel for the petitioner has further submitted that petitioner is in custody since 06.08.2020 and the material witness i.e. the prosecutrix stands examined; the co-accused has already been granted the concession of bail by this Court, therefore, on the basis of parity he be also enlarged on bail as his further incarceration would not serve any useful purpose.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and submitted that the prosecutrix has levelled specific against the petitioner in her statement recorded under

Section 161 of the Cr.P.C. as well as under statement under Section 164 Cr.P.C. recorded on 19.2.2020. She has further submitted that prosecutrix has supported the case of the prosecution during her examination before the trial Court. She further submits that out of total 18 prosecution witnesses, 10 witnesses have already been examined.

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

The petitioner is behind bars since 6.8.2020. Out of total 18 prosecution witnesses, 10 witnesses have already been examined including the prosecutrix. The co-accused has already been granted the concession of regular bail.

The veracity of the allegations and counter-allegations would be evaluated by the trial Court only after conclusion of the trial. The trial of the case will take sufficiently long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.3.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No