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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-11680-2022 in/and
CRM-M-2747-2022
Date of decision: 29.03.2022

SANDEEP KUMAR

...APPLICANT/PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Sharma, Advocate
for the applicant/petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

VIVEK PURI, J. (ORAL)

CRM-11680-2022

The applicant seeks to placed on record the copy of the statement of the prosecutrix (Annexure P-3).

CRM application is disposed of and Annexure P-3 is taken on record.

Registry to tag the same at the appropriate place.

Main case

Mr. Harmandeep Singh, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.

Sandeep Kumar-petitioner is seeking regular bail in the case bearing FIR No. 108 dated 21.09.2021 under Sections 376 IPC, 1860, registered at Police Station Talwandi Chaudrian, District Kapurthala.

The case has been registered on the basis of the statement of the prosecutrix alleging that about 04 years prior to lodging the FIR, she developed friendship with the petitioner. The petitioner had been making physical relations despite her refusal. Subsequently, on 11.09.2021, on the insistence of the

petitioner, he accompanied her to Amritsar where they stayed for 03 days. Some

intoxicant tablets were administered to her and physical relations were made with her without her consent.

Learned counsel for the petitioner contends that the arrest of the petitioner was effected on 22.09.2021 and is not involved in any other case. The investigation of the case is complete, during the course of her statement recorded in the learned trial Court, the prosecutrix has not supported the prosecution version.

On instructions from ASI Jasbir Singh, learned State counsel has not assailed the aforesaid factual aspects.

The prosecutrix is aged about 24 years and she has not supported the prosecution version. The petitioner is in custody since 22.09.2021 and is not involved in any other case. The conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

29.03.2022
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(VIVEK PURI)
JUDGE

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