

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

206-2

CRM-M No.3049 of 2022
Date of decision:13.05.2022

Charanjit Singh @ Channi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Krishan Kumar Thakur, Advocate for the petitioner.

Mr. A.A. Pathak, Addl. A.G. Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.110 dated 02.09.2019 registered for offences under Sections 452, 323, 354, 148 and 149 of IPC, 1860, at Police Station Sadar Jalalabad, District Fazilka, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Manjit Kaur on the allegation that on 30.08.2019 at about 07.30 PM, when she and her grand mother-in-law, Guro Bai, were alone at home, Bachan Singh, who is a neighbour raised a *lalkara* from the terrace of his house. Thereafter, Jagdish Singh, Mangat Singh, Veena Rani, Charanjit Singh @ Channi (present petitioner), Sandip Singh, Raj Rani and Simran Kaur, came to her house, scuffled with her and her grand-mother-in-law. Jagdish Singh and Sandeep Singh dragged her inside a room and sexually assaulted her. When she raised an alarm, they gagged her. Her grand mother-in-law alerted the neighbours and the accused fled away. Later, her husband took her to the Civil Hospital.

Counsel for the petitioner contends that there is no specific allegation against the petitioner, who is alleged to be a member of an

unlawful assembly. By referring to the status report filed by way of an affidavit of Deputy Superintendent of Police, HF-CAP Additional Charge, Sub-Division Jalalabad, District Fazilka in CRM-M-3683-2022, counsel contends that even insofar as the allegation of rape is concerned, the same also has not been found to be true. He asserts that the petitioner, who has clean antecedents and has been in custody since 06.11.2021, is no longer required for custodial interrogation as *challan* against him has been presented and he deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from ASI Gurbaksh Singh, has opposed the petition. He, however, is not in a position to dispute the factual position as argued by counsel for the petitioner.

Having considered the submissions made by counsel for the parties, this Court is of the view that keeping in view the role ascribed to the petitioner, period of incarceration and the fact that the final report has been submitted and the trial is yet to start, the petitioner is entitled to be enlarged on bail.

In the above circumstances, without adverting to the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.05.2022*sheetal***(SUVIR SEHGAL)
JUDGE**

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