

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

CRM-M-11624-2022

Date of decision : 17.05.2022

Raju Kumar Sahni @ Raju

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Shiv Charan Bhola, Advocate, with
 Ms.Navdeep Kaur Bhola, Advocate, for
 Mr.V.S.Mand, Advocate, for the petitioner.

Mr.Amitoj Singh Dhaliwal, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.94 dated 01.11.2019 registered under Sections 376-D, 354-C IPC, Section 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information Technology Act, 2000 at Police Station Ladhawal, District Ludhiana.

The petitioner and his co-accused are being prosecuted for having raped a lady belonging to the Scheduled Caste community and then for making an obscene video of such act.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 23.11.2019; he has no other criminal case pending against him; the prosecutrix and her husband, while appearing before the Trial Court as witnesses for the prosecution have categorically stated that it was not the petitioner who had committed rape on the prosecutrix; similarly placed co-accused Balram Gupta @ Baljeet Gupta, Rahul Kumar and Parmod have already been granted regular bail by this Court; there is no medical evidence to support the case of the prosecution; as per the FSL report human semen and male DNA was not found on the samples sent for examination; during investigation no obscene video alleged to have been made by the petitioner has been found and that since 21 prosecution witnesses still remain to be examined in

the petitioner's trial, the same shall take a long time to conclude.

Learned State counsel opposed grant of bail to the petitioner on the ground that he and his co-accused had raped a lady belonging to the Scheduled Caste community. However, he concedes that the prosecutrix and her husband, while appearing before the Trial Court as witnesses of the prosecution, have been declared hostile.

The petitioner is in custody since 23.11.2019; he has no other criminal case pending against him; the prosecutrix and her husband, while appearing before the Trial Court as witnesses for the prosecution, have categorically stated that it was not the petitioner who had committed rape on the prosecutrix; similarly placed co-accused Balram Gupta @ Baljeet Gupta, Rahul Kumar and Parmod have already been granted regular bail by this Court; there is no medical evidence to support the case of the prosecution; as per the FSL report human semen and male DNA was not found on the samples belonging to the prosecutrix which had been sent for examination; during investigation no obscene video alleged to have been made by the petitioner has been found and since 21 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.05.2022

shamsher

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No

[DEEPAK SIBAL]

JUDGE