

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

**Sr. No.213**

**CRM-M-14022-2022**

**Date of decision: 16.08.2022**

Chana Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Kuldeep Singh, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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**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.187 dated 14.12.2021 registered under Sections 376 and 506 IPC at Police Station Vairo Ke, District Fazilka.

The petitioner is being prosecuted for having raped Harjinder Kaur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has been in custody since 14.12.2021; all material witnesses including the prosecutrix stand examined in the petitioner's trial; the prosecutrix while appearing before the Trial Court as PW-2 has specifically stated that the petitioner has not committed any offence against her and that since in the petitioner's trial 09 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has raped the prosecutrix.

The petitioner has been in custody since 14.12.2021; the prosecutrix already stands examined in the petitioner's trial; while appearing before the Trial Court as PW-2, the prosecutrix has categorically stated that the petitioner had not committed any offence against her and that since in the petitioner's trial 09 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Fazilka, 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.

A perusal of the FIR reveals specific allegations by the prosecutrix against the petitioner of him having threatened and raped her. However, while appearing before the Trial Court the prosecutrix has given the petitioner a clean chit.

In the light of the above, the State shall consider to prosecute the prosecutrix for having lodged a false FIR, in accordance with law.

**August 16, 2022**  
*Jyoti 1*

**(DEEPAK SIBAL)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No