

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

207

**CRM-M-14383-2022
Decided on : 08.04.2022**

Rimpy @ Kulwinder Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Anmol, Advocate for
Mr. K.S. Brar, Advocate
for the petitioner(s).

Mr. Ajay Pal Singh Gill, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 157, dated 15.07.2020, under Sections 376, 342, 120-B of IPC (later on offences under Sections 370, 370-B, 363, 366, 376-D of IPC), registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (annexed as Annexure P-1).

On a pointed query put to learned counsel for the petitioner as to what was the material change in circumstances subsequent to the withdrawal of the previous petition on 28.07.2021, learned counsel submitted that both the material witnesses including the prosecutrix while stepping into the witness-box had failed to support the case of the prosecution, as a result of which, they were declared hostile.

Learned counsel for the petitioner while drawing the attention of this Court to the deposition of the prosecutrix as PW-1 and her husband as PW-2, submits that the prosecutrix had categorically deposed during trial that she had never been ravished by any person, much less, the petitioner/accused. Learned counsel thus submits that in the circumstances, the factum of the petitioner having been falsely implicated in the case in hand stands proved. She further submits that the petitioner has been in custody since 15th July, 2020 and his further incarceration would not serve any useful purpose, since both the material witnesses did not support the case of the prosecution during trial.

Per contra learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, fairly admits that the prosecutrix who is the sole material witness did not support the case of the prosecution during trial and as a result of which, she was declared hostile. Learned State counsel has also not able to controvert the fact that the main accused i.e. Sukhdev Singh @ Sebi, who is simialary situated as the petitioner, has since been extended the concession of bail by this Court vide order dated 15.02.2022.

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

In the facts and circumstances, as enumerated hereinabove, coupled with the fact that only 04 prosecution witnesses stand examined out of the 22 prosecution witnesses cited, there is no likelihood of the trial concluding in the near future. This Court, therefore, deems it fit to extend the concession of bail to the petitioner during the trial, as he has been in custody since 15th July, 2020. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 08, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*