

Surjit Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Bhatti, Advocate for the petitioner.

Mr. M.S.Nagra, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 009 dated 14.01.2021 under Section 376 IPC, registered at Police Station Dinanagar, District Gurdaspur.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix alleging that she is aged about 24 years and her father passed away about 2 years prior to the occurrence. The prosecutrix had approached the petitioner for arranging some job. The petitioner had extracted some money, indulged in obscene activities and also developed physical relations with the prosecutrix in his office.

Learned counsel for the petitioner contends that initially the petitioner was declared a proclaimed offender. The prosecutrix in her statement recorded as per the provisions of Section 299 Cr.P.C. had not supported the prosecution version. Subsequently, the petitioner had surrendered and during the course of trial, the prosecutrix as well as her

mother have neither supported the prosecution version nor incriminated the petitioner in any manner.

Learned State counsel has mainly opposed the bail application on the score that the petitioner was declared proclaimed offender and is not entitled for the concession of bail.

Be that as it may, the custody certificate indicates that the petitioner is in custody for a period of 4 months and 16 days. He has undergone sufficient incarceration for the lapse on his part in absenting from the proceedings. Moreover, the petitioner had surrendered in the trial Court in pursuance of the order passed by the Hon'ble Supreme Court of India. Furthermore, the prosecutrix and her mother have not supported the prosecution version.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

05.07.2022
Janki

(VIVEK PURI)
JUDGE

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