

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

(Sr. No. 223)

CRM-M No. 16479 of 2022

Date of decision : 22.08.2022

Ravi Giri @ Ravi Ranjan Giri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Naveen Bawa, Advocate for the petitioners.

Ms. Himani Arora, AAG, 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.0018 dated 22.02.2022 registered under Sections 376-D and 506 IPC at Police Station Daba, district Ludhiana.

The petitioner is being prosecuted for rape.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he does not have any other criminal antecedents; there is no medical evidence to back the allegations of rape and this is because the prosecutrix has herself refused to undergo medical examination; while appearing before the Trial Court as PW-1 the prosecutrix has specifically stated that she does not identify the petitioner to be the person who had raped her and that in view of the afore submissions further incarceration of the petitioner is not warranted.

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

The petitioner is in custody since 23.02.2022; he is not involved in any other criminal case; the prosecutrix while appearing before the Trial Court as PW-1 has specifically stated that she does not identify the petitioner to be the person who raped her; there is no medical evidence to support the allegations of rape as the prosecutrix has refused to undergo medical examination and that there is also no forensic evidence to back the allegations of rape.

Keeping in view the above facts in totality, 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.

22.08.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No