

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

CRM-M-23110-2021
Decided on : 22.07.2022

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karan Pathak, Advocate with
Mr. Jasleen Chahal, Advocate
for the petitioner.

Mr. Abhay Pal Singh, AAG, Punjab.

Mr. S.S.Sodhi, Advocate
for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.35 dated 18.03.2021 under Sections 376, 354-C IPC 1860 and Section 67(A) IT Act, 2000 and Section 3(1) of SC&ST (Prevention of Atrocities) Act, 1989 (added later on) registered at Police Station Mukerian District Hoshiarpur.

Learned counsel for the petitioner inter alia contends that the petitioner's false implication in the case in hand is evident from the fact that while stepping into the witness box as PW-5, both the prosecutrix, aged 25 years, as well as the other material witness PW-6 Manjit Kaur (aunt of the prosecutrix) did not support the case of the prosecution and as a result of which, they were declared hostile. Learned counsel submits that further incarceration of the petitioner would serve no useful purpose in the circumstances as 10 prosecution witnesses remain to be examined before the

trial Court.

Learned State counsel assisted by the counsel for the complainant on instructions from ASI Lok Ram has not been able to controvert the submissions made by counsel opposite qua both the material witnesses including the prosecutrix having resiled during trial. Learned counsel for the complainant thus, submits that he would not oppose the prayer made by the counsel for the petitioner making order dated 15.06.2021 absolute.

In view of the above, the petition is allowed and interim order dated 15.06.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

22.07.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No