

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

216

(Through Video Conferencing)

CRM-M-32363-2021

Date of decision: 31.01.2022

Raja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.S. Saroha, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.69 dated 16.05.2019 lodged under Sections 376-D, 342 and 34 IPC (Section 506 IPC was added lateron) registered at Police Station Phase 11, Mohali, District SAS Nagar.

Learned counsel for the petitioner submits that the petitioner has been in custody for almost 02 years and 08 months for allegedly committing rape upon the prosecutrix along with co-accused. Learned counsel submits that only 04 out of 25 prosecution witnesses cited have been examined so far and hence there is no likelihood of the trial concluding in the near future. He submits that since the prosecutrix has been examined, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer

and submissions made by learned counsel for the petitioner, on instructions from ASI Netar Singh, has submitted that the petitioner along with co-accused committed gang rape upon the prosecutrix when she had gone for an interview and thereafter had gone to the rented accommodation of a friend. Learned State counsel further submits that the prosecutrix both in her statement recorded under Section 164 Cr.P.C. as well as while stepping into the witness box before the trial Court supported the case of the prosecution in its entirety. He further submits that the allegations of rape find due corroboration from the medical evidence collected by the investigating agency. Learned State counsel has also apprised the Court that the petitioner is a man of criminal antecedents as he is involved in another criminal case under Section 307 IPC.

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

Prima facie there are serious and specific allegations levelled against the petitioner of having committed gang rape upon the prosecutrix and hence, this Court does not deem it fit to extend the concession of bail to him.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a request has been made by learned counsel for the petitioner for issuance of directions to the trial Court to conclude the trial expeditiously in the wake of the long incarceration of

the petitioner.

The trial Court is directed to make all endeavour to expedite the trial and conclude the same, preferably within six months from today.

31.01.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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