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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34599-2021

Date of decision: 05.04.2022

PANKAJ ARORA / SACHDEVA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Bhasin, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR, J.(ORAL)

This is the third petition that has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.59 dated 22.07.2017 under Sections 376, 363, 366-A of the IPC and Section 8 of the POSCO Act, 2012, registered at Police Station Thermal, District Bathinda.

Learned counsel for the petitioner herein would contend false implication as would be evident from various improvements that have been made in the statement of the prosecutrix as recorded under Section 161 Cr.P.C. and before the Court. It is contended that the prosecutrix has been making improvements in her statement. It is also argued that the prosecutrix remained in the company of one Gulshan Kumar for a period of 10 days. Apart from that, there is no scientific proof of matching of DNA of the petitioner with the spermatozoa detected.

Learned counsel for the petitioner would argue that the petitioner has been in custody since 07.09.2019, and a *de novo* trial has been started as the co-accused namely Gulshan Kumar, with whom the

prosecutrix had remained for over a period of 10 days, has been arrayed as an accused. He was arrested and now admitted to regular bail. It is submitted that the statement of the prosecutrix has already been recorded and, therefore, there will be no apprehension of the petitioner influencing her.

Per contra, learned State counsel would oppose grant of bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature but has not disputed the fact that the prosecutrix has been examined.

I have heard learned counsel for the parties and have also perused the case file.

Keeping in view the fact that the statement of the prosecutrix has already been recorded, co-accused namely Gulshan Kumar has already been granted the concession of bail and the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. Without commenting the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing the personal as well as heavy surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this Court is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

(JAISHREE THAKUR)
JUDGE

05.04.2022

Chetan Thakur

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