

228

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34831-2022
Date of Decision: 30.11.2022

JAGDISH SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Diwana, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No.96 dated 10.04.2021 under Sections 376(2)(n), 506, 201 IPC and Section 67 of Information and Technology Act, registered at Police Station Mataur, District SAS Nagar.

Learned counsel for the petitioner contends that briefly the allegations against the petitioner are to the effect that the prosecutrix became on friendly terms with the petitioner on social media. The prosecutrix was taken to a flat in Zirakpur where she was administered some drug and she lost her consciousness. The petitioner had made sexual relations and also clicked photographs and video clips in his mobile phone. It has been further contended that during the course of trial, the prosecutrix has not supported the prosecution version. She is aged about 27 years and has specifically and categorically stated during the course of trial that the petitioner has not committed any wrong act with her. The petitioner is in

custody for a period of 1 year, 1 month and 1 day and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that there are serious allegations against the petitioner and so far only 2 out of 18 witnesses have been examined.

It is significant to note that during the course of trial, prosecutrix has not supported the prosecution version. The age of the prosecutrix is stated to be about 26 years at the time of occurrence. The petitioner is in custody for a period of 1 year, 1 month and 1 day and is not involved in any other case. So far only 2 out of 18 witnesses have been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

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.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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