

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

CRM-M-36724 of 2022
Date of decision:05.12.2022

Bhupinder Singh alias Raja

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shivam Joshi, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.92 dated 29.06.2021 registered under Sections 376, 506 of Indian Penal Code, 1860 at Police Station C-Division, Amritsar (Annexure P-1).

FIR (Annexure P-1) has been registered on the statement of a 43 year old married lady (hereinafter referred to as “the prosecutrix”) on the allegation that she came in contact with Bhupinder Singh, present petitioner, who had good relations with her and used to address as his sister. On 18.07.2017, when she went to a local gurudawara sahib at 3.00 a.m., to do sewa, Bhupinder called her to the control room of gurudwara sahib and indulged in obscene acts. She resisted his attempts but he threatened that he

can prepare obscene photographs to circulate and defame her. As she was scared, she did not reveal the incident to anyone, but later she confided in her husband.

Counsel for the petitioner urges that there is an unexplained delay of four years in lodging the FIR and the prosecutrix was in a consensual physical relationship with the petitioner. While referring to the testimony of the prosecutrix, who has been examined as PW-1, counsel for the petitioner contends that she has not supported the case of the prosecution. He submits that the petitioner, who is in confinement since 05.07.2021, deserves to be enlarged on bail as star prosecution witness, has been examined.

Per contra, State counsel, upon instructions from ASI Sukhdev Singh, has opposed the petition by referring to the allegations levelled against the petitioner. He submits that the prosecutrix supported her case under Section 164 Cr.P.C., and she underwent medical examination. Still further, 15 more witnesses are yet to be examined.

Having considered the respective submissions made by counsel for the parties, this Court is *prima facie* of the view that involvement of the petitioner in the offence would be adjudicated by the Trial Court and the petitioner. He has been in confinement for the last 17 months and would be entitled to be released on bail as the trial is not likely to conclude in near future.

In view of the above, but without adverting to the arguments addressed by the counsel for the parties, petition is allowed. Petitioner is

ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case

December 05, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>