

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

(Sr. No. 211)

CRM-M No. 42604 of 2021

Date of decision : 10.03.2022

Paramjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. A. S. Manaise, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.60 dated 13.06.2021 registered under Sections 376, 386 and 506 IPC at Police Station Kalanaur, district Gurdaspur.

The petitioner is being prosecuted for rape and extortion.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; there is no other criminal case pending against him; he is in custody since 16.06.2021; the prosecutrix, who is a married lady, while appearing before the Trial Court as PW-1 has specifically stated that it was not the petitioner who had raped or extorted money from her; even the prosecutrix's father-in-law while appearing before the Trial Court as PW-2 has not supported the case of the

prosecution and that since 16 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that even if the prosecutrix and her father-in-law have turned hostile there is enough evidence on record to convict the petitioner.

The prosecutrix while appearing before the Trial Court has specifically stated that it was not the petitioner who had raped or extorted money from her; even the prosecutrix's father-in-law while appearing before the Trial Court has not supported the prosecution's case; the petitioner is in custody since 16.06.2021; there is no other criminal case pending against him and that since 16 prosecution witnesses still remain to be examined in the petitioner's trial the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurdaspur the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

While lodging the FIR in question the prosecutrix had specifically named the petitioner to be the one who had raped and later blackmailed her. However, while appearing before the Trial Court as a witness for the prosecution, she has taken a complete somersault.

In the light of the afore conduct of the prosecutrix the State is

directed to proceed against her for having lodged a false FIR, in accordance with law.

10.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No