

CRM-M-39171-2022

Date of decision: 16.09.2022

SHIVAM @ SHUBHAM @ SHANU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sachin Ohri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Shivam @ Shubham @ Shanu-petitioner is seeking regular bail in the case bearing FIR No.31 dated 09.3.2022 under Sections 376/406/366/457 IPC, 1860, registered at Police Station Sujanpur, District Pathankot.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix aged about 23 years alleging that her marriage was solemnized with Jarnail Singh and is having two children. On 14.02.2022, at about 02:00 AM, the petitioner along with the co-accused, Abi Thakur entered her bedroom. Abi Thakur, the co-accused woke her up and she was brought to railway station at Pathankot on the motorcycle by the petitioner. The petitioner along with the co-accused, Abi Thakur and prosecutrix came to Jalandhar by train where she was kept in a rented room. Abi Thakur, the co-accused had been committing rape upon the prosecutrix.

Learned counsel for the petitioner contends that the allegations of rape have been attributed to the co-accused, Abi Thakur. The allegations against

abducting the prosecutrix. The petitioner is in custody for a period of 04 months and 26 days and is not involved in any other case. The investigation of the case qua petitioner is complete and challan has been presented against him.

On instructions from ASI Vimal Kumar, learned State counsel has submitted that the petitioner has played an active role in the abduction of the prosecutrix and he had facilitated the commission of rape by the co-accused.

It is significant to note that the petitioner is in custody for a period of 04 months and 26 days and is not involved in any other case. The allegations of commission of rape have been attributed against Abi Thakur, co-accused who is yet to be arrested. The investigation of the case qua petitioner is complete and challan has been presented against him. The conclusion of trial is likely to take sometime. No fruitful purpose will 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.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

16.09.2022
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(VIVEK PURI)
JUDGE

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