

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(211)

CRM-M-40681-2022
Date of decision:- 21.12.2022

Satpal Singh @ Ladi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Arora, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G., Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.0221 dated 04.09.2021, registered for offences under Sections 376 and 506 of the Indian Penal Code, 1860 (for short “IPC”), however, later on Section 376-D, IPC was added and Section 376, IPC was deleted, at Police Station City Tarn Taran, District Tarn Taran, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of brother of a 33 year old married lady (hereinafter to refer as “the prosecutrix”), whose husband left for Bahrain in the year 2016. On 29.08.2021, when complainant came back from his work, he saw his sister, who is of a heavy build with a new born girl child on the cot, and there were blood stains in the room. On enquiring, he was told that in his absence, Satpal Singh @ Ladi, present petitioner, and Kuldip Singh,

residents of the village, used to come to his house, rape his sister and threaten her that they will eliminate her family members in case she discloses the incidents to anyone.

Counsel for the petitioner submits that the prosecutrix as well as the complainant have been examined and in their testimonies, Annexures P-3 and P-4, they have categorically stated that the petitioner did not indulge in any objectionable activity. Reference has also been made by the counsel to the cross-examination of the prosecutrix to submit that she has stated that she had consensual physical relationship with the petitioner and a false case had been lodged. He submits that the petitioner, who is in custody since 07.09.2021 and has a clean past, deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from ASI, Major Singh, has opposed the petition and has submitted that the prosecutrix has levelled serious allegations against the petitioner, which have been supported by her in her statement under 164 of the Code. Reference has also been made by the State counsel to the MLR, Annexure P-2, to submit even in the history of the incident narrated to the doctor, the prosecutrix has stated that she has been sexually assaulted for the last two years. Still further, upon instructions, he submits that DNA report is awaited. As per his instructions, besides the two examined witness, nineteen more witnesses have to step into the witness box.

Having considered the submissions made by counsel for the parties, this Court is prima facie of the view that the nature of relationship between the parties and complicity of the petitioner in the crime would be

debated before the Trial Court at an appropriate stage. Petitioner, who is in detention for the last more than fifteen months, deserves to be enlarged on bail as the trial is unlikely to conclude in the near future as the prosecution evidence is at a nascent stage.

Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

21.12.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No