

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

Sr. No.207

CRM-M-41305-2020 (O&M)

Date of decision: 25.05.2022

Manjit Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ravish Bansal, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, 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.57 dated 22.05.2020 registered under Sections 346, 376 IPC at Police Station Sadar Rajpura, District Patiala.

On 20.05.2020, the prosecutrix, who is aged about 22 years, was found missing from her house. Her father got lodged a FIR in which he blamed the petitioner. The matter was investigated and on 18.06.2022, the prosecutrix was recovered by the police. On such recovery she disclosed that 02 years ago, the petitioner, who was related to the prosecutrix, had given her some juice which contained some intoxicant as a result whereof she had lost her senses and that in such condition, the petitioner raped her and also prepared a video of theirs while doing such act. Thereafter, by blackmailing her, he took the prosecutrix to several places including village Jagatpura where they both stayed for a month and repeatedly raped her.

Learned counsel for the petitioner submits that the prosecutrix has falsely implicated the petitioner for extorting money; earlier also the prosecutrix had played the same game with another gentleman namely Laddi son of Kuldeep; the petitioner has been in custody since 22.06.2020; all the material witnesses including the prosecutrix and the complainant stand examined before the Trial Court; the story of the prosecution that the petitioner has been committing rape upon the prosecutrix for a period of two years by blackmailing her on the ground that he had made

obscene videos of her is apparently false as no such video has seen the light of the day; the story of the prosecution is further falsified as there is record of telephone calls exchanged between the prosecutrix and her aunt during the period she was allegedly kept forcibly by the petitioner at Jagatpura; in case, the prosecutrix had been forcibly kept by the petitioner at Jagatpura she would have certainly disclosed the same to her aunt during the course of her conversation with her; in the course of her cross-examination the prosecutrix has admitted that the telephone numbers between which calls have been exchanged amongst the prosecutrix and her aunt during the alleged period of the prosecutrix's illegal confinement by the petitioner are that of the prosecutrix and her aunt; as per the medical record there is no injury on the prosecutrix's person showing further falsity in the prosecution's story and that since in the petitioner's trial 18 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has repeatedly raped a young girl after blackmailing her.

Primarily the case of the prosecution is that the petitioner repeatedly raped the prosecutrix on the pretext that in case she does not succumb to his desires he would make viral obscene videos of her. However, till date, these videos have not seen the light of the day. On this count, the story of the prosecution would be debated during the course of the petitioner's trial. The other issue raised by the petitioner in his defence with regard to making of calls by the prosecutrix to her aunt during the period she was allegedly illegally confined by the petitioner would also be debated.

Nonetheless, the petitioner has been in custody for the last nearly 02 years; all the material witnesses in the petitioner's trial which include the prosecutrix and the complainant, have already been examined and since in the petitioner's trial 18 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Patiala, 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.

May 25, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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