

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

110+224

CRM-4711-2022 in/and

CRM-M-49092-2021

Date of decision: 15.02.2022

Sukhdev Singh @ Sebi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-4711-2022

Prayer in the instant application is for placing on record statements of prosecution witnesses as Annexure P-5 as well as for exemption from filing the certified/true typed copies of the same.

In view of the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified/true typed copies of the statements of prosecution witnesses, copies of which are taken on record as Annexure P-5 (Colly.).

CRM-M-49092-2021

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.157 dated 15.07.2020 lodged under Sections 376, 342 and 120B IPC (Sections 370, 370-A, 363, 366 and 376-D IPC added lateron) registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that a totally false and fabricated case has been planted upon him that after the prosecutrix was raped by co-accused Sukha, she was sold to him who

kept her in his house for 3-4 months. Learned counsel submits that the false implication of the petitioner finds credence from the fact that during trial while stepping into the witness box all the material witnesses including the prosecutrix did not support the case of the prosecution as a result of which they were declared hostile. Learned counsel submits that since the petitioner has been in custody since 14.09.2020 and the trial would take considerable time to conclude as there are 19 prosecution witnesses who remain to be examined, he be extended the concession of bail.

Learned State counsel while opposing the prayer made by counsel opposite, on instructions from ASI Amarjit Singh, does not dispute the factum of all the material witnesses including the prosecutrix turning hostile during trial.

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated hereinabove, since the material witnesses have failed to support the prosecution case coupled with the fact that the trial would take considerable time to conclude, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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