

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 217

Criminal Miscellaneous No.M-2421 of 2023

Date of Decision: January 20, 2023

Gurwinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Ms. G.K. Maan, Senior Advocate with Mr. Amritpal Singh Maan, Advocate for the petitioner.

Mr. Kunal Vinayak, Assistant Advocate General Punjab.

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Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0081 dated 04.05.2022, under Sections 376, 344, 506 IPC, registered at Police Station Ajnala, District Amritsar Rural during the pendency of trial.

As per the FIR, the complainant, who is about 24/25 years of age, married to one Harbhej Singh, alleged that on 03.04.2022 the petitioner allured her to his village, kept her in his house and raped against her wishes.

Learned counsel for the petitioner contends that the alleged incident is of 03.04.2022, and the FIR in question was lodged a month later on 04.05.2022. It is further submitted that the affair between the petitioner and the complainant was consensual. To substantiate, she has referred to a complaint dated 05.04.2022 (Annexure P-1) filed by the complainant before JMIC, Patti, under Section 323, 506, 148 and 149 IPC against her in-laws alleging that on 03.04.2022, the complainant along with the petitioner were

present at bus stand Kacha Pacca, Tehsil Patti, District Tarn Taran, for going to their village. There, the accused people along with some other persons came, caught hold of the complainant by hair and started beating her. It was only on raising hue and cry that she could be saved. The complaint, however, was dismissed on 13.05.2022 on account of non-prosecution.

Learned State counsel, on instructions from ASI Prabhjit Singh, opposes the grant of bail by stating that the charges have already been framed on 27.10.2022 and trial is to commence soon.

Undisputedly, the petitioner is in custody since 04.05.2022 and none of the witnesses has been examined so far. It is apparent that trial of the case is not likely to conclude in near future.

In view of the facts enumerated above, the petition is allowed and the petitioner is ordered to be released on bail on furnishing requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

January 20, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No