

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

209

**CRM-M No.6320 of 2023
Date of Decision : 10.2.2023**

Ravail Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajiv Kumar Saini, Advocate, for the petitioner
Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.147 dated 22.10.2020 under Sections 376, 457 IPC registered at Police Station Bhindi Saidan, District Amritsar.

As per allegations in the FIR, recorded on the statement of the prosecutrix/victim, who is aged about 40 years having three children, the petitioner scaled the outer wall of her house, came into the room and forcibly raped her while she was sleeping. Her husband came on the spot and the accused was caught by him. Many people also gathered there and got the accused released from his husband.

Learned counsel for the petitioner contends that apparently it is a case of consent and only because the complainant's husband came on the spot, the complaint was lodged to the police. He further submits that the petitioner is in custody since 22.10.2021. The prosecutrix, her husband, neighbor and a member Panchayat of the village have already testified before the trial Court, whose statements have been placed on record as Annexures P-1 to P-4. None of them has supported the prosecution.

Learned State counsel, on instructions from ASI Sarabjit Singh, opposes the grant of bail on the ground that trial of the case is going on and DNA report is awaited. He states that ten out of twenty one prosecution witnesses have already been examined.

In view of the facts aforesaid, it is apparent that trial of the case is not likely to conclude in near future, and the petitioner remains in custody since 22.10.2021. Material witnesses have already been examined. Therefore, it is deemed appropriate to admit the petitioner to bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

10.2.2023
Ashwani

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