

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

CRM-M-9315-2023

Date of Decision: 02.08.2023

KALA SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.S.Aulakh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 282 dated 02.12.2022 under Sections 376, 506 IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the prosecutrix is aged about 29 years and is a divorcee. The allegations attributed against the petitioner are to the effect that he had developed sexual relations with the prosecutrix on the false pretext of marriage. During the course of trial, the statement of the prosecutrix has been recorded but she has not supported the prosecution version. She has specifically and categorically stated that she does not know the petitioner and the petitioner has not committed any wrong with her. The petitioner is in custody for a period of about 8 months.
4. Learned State counsel has not disputed the fact that the prosecutrix is aged about 29 years and has not supported the prosecution version but

submits that the report of chemical examiner has not yet been received. Furthermore, out of 23, only 1 witness has been examined till date.

5. It is significant to note that the prosecutrix is aged about 29 years and has not supported the prosecution version during the course of trial. Still 22 witnesses remain to be examined and the report of FSL has not yet been received. The petitioner is in custody for a period of about 8 months and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

02.08.2023
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(VIVEK PURI)
JUDGE

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