

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-11802-2023(O&M)
Date of Decision:15.11.2023

ROOPA RAM ALIAS ROOPA SINGH

...Applicant/Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Opinder Lamba and Ms. Manpreet Kaur, Advocates
for the applicant/petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

MANISHA BATRA, J.

1. This order shall dispose of this petition for grant of regular bail as filed by the petitioner who is in custody in case bearing FIR No.226 dated 11.09.2022 registered under Sections 376 read with Section 511, 452, 354-A, 354-B of IPC at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

2. The aforementioned FIR had been registered against the petitioner on the basis of a statement recorded by the victim "M" (name withheld) on 11.09.2022, alleging therein that on 10.09.2022 at about 01:00 PM, she was sleeping in her house along with her children when the petitioner entered inside. He was under the influence of some intoxicant and laid upon her and started kissing her. The victim woke up and raised alarm but the petitioner while tearing of her wearing apparel, tried to commit rape upon her. Rescue alarm raised by her, had attracted Rani Kaur, her neighbourer, who reached there and on seeing whom, the petitioner left her house. The petitioner got herself medically examined. On

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the basis of her statement, the aforementioned FIR had been registered, investigation proceedings were initiated. The petitioner was apprehended and arrested on 11.09.2022 and is in custody since then. After completion of investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently the petitioner is facing trial for commission of the offences for which he had been booked. He had filed an application for grant of regular bail before learned Trial Court which has been dismissed, vide order dated 15.02.2023.

3. The present petition has been filed by the petitioner-accused seeking regular bail on the grounds and his counsel has argued that he is in custody since 11.09.2022, his custodial interrogation is no more required. He has been falsely implicated in this case. The prosecutrix has not supported the prosecution version in her sworn deposition as recorded before the Court (Annexure P-4). The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. Hence, it is argued that the petition deserves to be allowed.

4. The claim of the petitioner has been resisted by the respondent-State in terms of status report. It is submitted therein and learned DAG, Punjab on behalf of the respondent-State argued that there are serious and specific allegations against the petitioner. He has committed a heinous crime. The victim in her statement recorded under Section 164 of Cr.P.C. had reiterated the allegations in the FIR. The trial was being expedited. Hence, he has submitted that the petition does not deserve to be allowed.

5. The petitioner is alleged to have made an attempt to commit rape upon the victim on 10.09.2022. In her sworn deposition (Annexure P-4) as recorded before the Court on 18.09.2023, the victim is however, not shown to have supported the prosecution version at all and is shown to have taken a u-turn by saying that neither anybody had entered into her house nor had tried to commit rape upon her on 10.09.2023. The petitioner is in custody since 11.09.2022. The trial is likely to take time. Keeping in view, the nature of the evidence which has come on record of the learned Trial Court in the form of testimony of the star witness i.e. the victim, the period spent by the petitioner in custody and overall attendant facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody any more. Accordingly the petition is allowed. Petitioner is ordered to be released and admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

November 15, 2023 <i>himanshu</i>	(MANISHA BATRA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No