

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

213

**CRM-M No. 13804 of 2023
Date of Decision : 23.3.2023**

*Tejinder Singh @ Senty**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. J.S. Grewal, 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.79 dated 29.6.2022 under Sections 376 IPC registered at Police Station Khamano, District Fatehgarh Sahib.

2. As per allegations in the FIR, the complainant, aged about 24 years, was known to the petitioner for the last about two months, as both of them were residing in the same town. They started talking on phone and meeting each other too. The petitioner made false promises of getting married and developed physical relations with her on that pretext. On 28.6.2022 around 1:00 p.m., she was taken by him from a roundabout in his car saying that the two would get married. She was made to inhale some intoxicant by the petitioner and was raped after she became unconscious. Later, she was thrown out of the car. Her family members admitted her to Civil Hospital.

3. Learned counsel for the petitioner contends that allegations in the FIR show that relationship between the petitioner and the complainant was

consensual. The complainant was a mature woman and willingly developed friendship with the petitioner. She was subjected to medical examination also, but there is no corroboration of the allegations levelled by her. There is no injury on her body anywhere. The petitioner is in custody since 30.6.2022 and four prosecution witnesses have already been examined.

4. Learned State counsel, on instructions from SI Meenu Hooda, assisted by learned counsel for the complainant, opposes the grant of bail on the ground that four out of seventeen prosecution witnesses have been examined and trial will soon be concluded. It is also stated that in the statement recorded under Section 164 Cr.P.C. as well as in her testimony, the complainant has alleged that prior to 28.6.2022 also, she was raped by the petitioner. He does not dispute that material prosecution witnesses, including the prosecutrix, the doctor and the Investigating Officer, already stand examined, the petitioner is in custody since 30.6.2022, and there is no other case against him.

5. The submissions made by learned counsel for the parties have been considered.

6. The material prosecution witnesses including the complainant already stand examined. The allegations levelled by the complainant have not been corroborated by the medical evidence, and the fact of her having physical relations with the petitioner even prior to lodging of the FIR, have also come on record. Culpability of the petitioner is a matter of trial, which will take some time to conclude as thirteen prosecution witnesses still remain to be examined. The petitioner has no criminal antecedents and no useful purpose will be served by confining him to custody any further during trial.

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

8. Any observation in the order shall not be construed as an expression of opinion on merits of the case.

(TRIBHUVAN DAHIYA)
JUDGE

23.3.2023
Ashwani

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