

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17200-2023 (O&M)
Date of decision : 27.07.2023

Sunil Kumar Sharma ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gulshan Sharma, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.004 dated 24.01.2023 under Section 376 of the Indian Penal Code, 1860 (IPC) registered at Police Station Fattudhinga, District Kapurthala.
2. In the present case the complainant/victim is a 32 years' old lady and having two children. As per the allegations in the FIR, the petitioner had developed physical relations with the complainant/victim against her consent. It is further the allegation that whenever her husband was on night duty, the petitioner would come home and would commit rape on her by threatening her. The petitioner would also threaten that he would

make her photographs public and would spoil her family life.

3. Learned counsel for the petitioner would contend that the statement of the victim/complainant has since been recorded and that she has not supported the case of the prosecution. The petitioner has been in custody for a period of 05 months and 29 days.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 05 months and 29 days. Learned counsel for the State on instructions from ASI Major Singh has reiterated that the victim/complainant has not supported the version of the prosecution.

5. Heard.

6. In the present case, the allegations against the petitioner are that he had developed physical relations with the complainant/victim against her consent and repeatedly committed rape on her. The complainant/victim in the present case has since been examined and she has not supported the version of the prosecution. The petitioner has been in custody for a period of 05 months and 29 days. The trial is likely to take some time to conclude.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
10. Disposed off. Pending applications, if any, also stand disposed off.

27.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO