

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 17255/2023

Date of decision: 06.07.2023.

Simranjit Singh son of Kashmir Singh

.....Petitioner.

Vs.

State of Punjab

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vivek Thakur, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Prayer in this first petition under Section 439 of Code of Criminal Procedure, 1973 is for grant of regular bail to accused petitioner in case FIR No.05 dated 1.2.2022 under Sections 366/376(D) IPC registered at PS Morinda, District Rupnagar (Annexure P-1).

Ld. counsel for the petitioner inter alia contends that prosecutrix was known to the petitioner. It is submitted that she has admitted that she was chatting with petitioner on Instagram and therefore, her claim and allegation that she had been forcibly kidnapped and raped are false. Ld. counsel by referring to Annexure P-3 submits that there is no conclusive medical evidence to prove the offence. It has further been submitted that perusal of the FIR reveals that exactly same allegations were made against co-accused Harpreet Singh, who has since been released on Anticipatory bail by this Court vide order dated 31.8.2022 whereas the petitioner is in custody as

undertrial for over 1 year. It is further submitted that there is no kidnapping in the present case and all the three persons were roaming freely. Prosecutrix is 19 years old while the petitioner is a young boy aged 21 years.

Per contra, ld. State counsel while opposing the prayer of the petitioner for grant of regular bail is unable to dispute the fact that co-accused has been granted Anticipatory bail by this Court vide order dated 31.8.2022 (Annexure P-4). He is also unable to dispute the fact that petitioner is in custody for the last 01 year, 04 months and 26 days as mentioned in custody certificate dated 5.7.2023, produced in Court today and taken on record. It is further borne out therefrom that no other case is pending against the petitioner.

Without commenting on the merits and keeping in view the totality of the facts and circumstances of the case the present petition is allowed and petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned. It is made clear that nothing stated above shall be taken as an expression of opinion on the merits of the case.

06.07.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No