

CRM-M-25913-2023

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2023:PHHC:077075

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANIDGARH

202

CRM-M-25913-2023

Date of Decision: 26.05.2023

Vijay Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present: Mr. Dinesh Mahajan, Advocate  
for the petitioner.

Mr. Jiteshwar S. Bhandari, AAG, Punjab

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**SANJEEV PRAKASH SHARMA, J (ORAL)**

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.27 dated 26.02.2018 under Sections 328, 366, 376D, 506 and 34 IPC (Sections 376D and 34 IPC not charged), registered at Police Station Division No.2 Pathankot, District Pathankot.

Learned counsel for the petitioner submits that the petitioner is working as a labourer and he is the only bread earner for the family. He submits that the petitioner has been falsely implicated in the case.

Learned counsel for the petitioner further submits that keeping in view the statement of the prosecutrix in the Court where she has turned hostile, no purpose would be served to keep the petitioner in custody any further.

Learned State counsel, on the other hand, has opposed the present petition for grant of regular bail. However, he does not dispute the

above said facts.

This Court has heard learned counsel for the parties and has perused the paper book.

Without commenting on the merits of the case and keeping in view the fact that the prosecutrix has categorically refused of having been raped by any of the accused, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds of Rs.20,000/- to the satisfaction of the concerned trial Court/ Duty Magistrate.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**26.05.2023**

*D.Bansal*

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

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