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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26702-2023 (O&M)
Date of decision : 29.09.2023

Rohit Kumar @ Babbu @ Babu ... Petitioner(s)

Versus

State of Punjab and another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Munjal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Sumit Agnihotri, Advocate for respondent No.2.

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.91 dated 17.12.2022 under Sections 363, 366 of the Indian Penal Code, 1860 registered at Police Station Taragarh, District Pathankot (Annexure P-1).

2. Learned counsel for the petitioner would contend that in the present case the statements of the victim and the complainant have since been recorded and both of them have not supported the case of the prosecution. The statements have been appended with the present petition with **CRM-39079-2023**. Learned counsel would further contend that the petitioner and the victim had solemnized their marriage in February 2023.

It is further the contention of learned counsel that the petitioner has been in custody for a period of 06 months and 12 days and that there is no other case pending against him.

3. 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 06 months and 12 days and there is no other case pending against him. Learned State counsel on instructions from ASI Rattan Lal has submitted that the victim has not supported the case of the prosecution in her statements recorded under Sections 161 CrPC and 164 CrPC. Learned State counsel has further submitted that the victim had refused to get her medical examination done. Learned State counsel is not in a position to deny that the victim who had appeared in Court as PW3 has also not supported the case of the prosecution and the complainant, who had appeared in Court as PW2, has also not supported the case of the prosecution.

4. Heard.

5. In the present case the statements of the victim and the complainant have since been recorded and both of them have not supported the case of the prosecution. There is no medical on the record as the victim had refused to get her medical examination done. As per the custody certificate, the petitioner has been in custody for a period of 06 months and 12 days and there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. 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.

7. 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.

8. 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.

9. Disposed off. Pending applications, if any, also stand disposed off.

29.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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