

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27289 of 2023 (O&M)

Date of Decision:17.08.2023

Gurdev Singh alias Hira Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Gurpreet Singh, Addl. A.G., Punjab.

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HARSIMRAN SINGH SETHI J. (ORAL)

1. The present petition has been filed for grant of regular bail in FIR No.93 dated 10.12.2015 registered under Sections 376 (D) IPC, 1980 (Sections 109, 120-B IPC, 1860 added later on) at Police Station Chohla Sahib, District Tarn Taran.

2. Learned counsel for the petitioner argues that as per the allegations levelled in the FIR, the complainant was allured by her aunt (*chachi*) and she introduced the complainant with the accused-Angrej Singh, who used to commit rape upon the complainant after issuing threats.

3. Learned counsel for the petitioner further argues that allegations levelled against Angrej Singh were that he had threatened the complainant that he will upload her obscene videos on internet. As per learned counsel for the petitioner, petitioner was the one, who used to commit crime along with Angrej Singh.

4. Learned counsel for the petitioner submits that during investigation, Angrej Singh was found innocent and even petitioner was granted concession of anticipatory bail though, at later stage, the said anticipatory bail petition filed by

the petitioner was dismissed and the petitioner was thereafter declared as a proclaimed offender.

5. Learned counsel for the petitioner further submits that as of now, petitioner-Gurdev Singh is behind bars since 18.12.2019 and as the application filed by the prosecution under Section 319 Cr.P.C. is allowed whereby Angrej Singh has also been summoned as an additional accused, there will be a *do novo* trial, hence, trial is likely to take some time before it will conclude, therefore, the petitioner, who is already behind bars for the last more than 3 ½ years, be granted concession of regular bail as the petitioner undertakes to abide by all the conditions of bail imposed by this Court.

6. Learned State counsel does not dispute the facts as stated by the learned counsel for the petitioner but submits that as the petitioner had been declared as a proclaimed offender at one given point of time, he might abscond again, if granted the concession of bail.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It is the conceded fact that the petitioner is behind bars for the last more than 3 ½ years. Keeping in view status of the trial, the same will start *de novo* after Angrej Singh has been summoned as an additional accused. The allegations in the FIR are against Angrej Singh and the only allegation against the petitioner is of committing crime along with Angrej Singh, which allegation is yet to be proved during the trial. As per the facts on record, Angrej Singh has already been allowed the benefit of anticipatory bail after he was summoned to face trial as an additional accused.

9. Keeping in view facts and circumstances of the present case, as the petitioner is behind bars for the last more than 3 ½ years and the trial is likely to

take some time before it concludes, no useful purpose will be served in keeping the petitioner behind the bars as learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is extended the benefit of bail, he will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

10. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

11. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

August 17, 2023
Pankaj*

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