

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30526-2023 (O&M)

Date of decision : 14.12.2023

Jaspreet Singh @ Raju

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S. Dhaliwal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.170 dated 12.10.2022 under Sections 376(2)(n), 376(D), 328, 384, 450, 506 and 34 of the Indian Penal Code, 1860 and Section 66(E) of Information Technology Act, 2000 registered at Police Station Jakhal, District Fatehabad.

2. The FIR was registered on the statement of the prosecutrix wherein it was alleged that she knew the main accused as he was a tenant in their house. On 28.11.2021 at about 03.00 in the evening the main accused - Samarjeet Singh - came to her room and stated that he was not feeling well and requested her to make a cup of tea. Thereafter, when she went to the kitchen for making tea the present petitioner, who has been referred to as Raju in the FIR, came there and gave some medicine to the main accused - Samarjeet Singh - and thereafter left. When she took the tea for Samarjeet

Singh he told her that sugar was less and asked her to get some sugar. When she returned and started drinking her tea, she felt dizzy and became unconscious. It was further alleged that Samarjeet Singh taking benefit of her unconsciousness committed a wrong act with her and made some videos. On the basis of the said statement the present FIR was lodged.

3. Learned counsel for the petitioner would contend that the only allegation against the present petitioner herein is that he had given some medicine to Samarjeet Singh and it is not even the allegation that he had put some substance in the cup of tea that the prosecutrix had drunk. Learned counsel would further contend that though the alleged incident is dated 28.11.2021 the FIR has been lodged on 12.10.2022. It is further the contention of the learned counsel for the petitioner that the petitioner has been in custody for a period of 01 year 01 month and 21 days and that he has absolutely clean antecedents. Learned counsel would further contend that only 07 witnesses out of 22 have been examined.

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 01 year 01 month and 21 days and there is no other case pending against him. Learned counsel for the State is not in a position to deny the fact that the only allegation against the petitioner is that he had given some medicine to the main accused - Samarjeet Singh.

5. Heard.

6. In the present case the allegations of rape are not against the present petitioner and the only allegation in the FIR qua the present

petitioner is that he had given some medicine to the main accused - Samarjeet Singh. There is no allegation qua the petitioner regarding him having administered any intoxicant substance to the complainant. The petitioner has been in custody for a period of 01 year 01 month and 21 days and there is no other case pending against the present petitioner. Out of 22 witnesses only 07 have been examined. 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.

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.

14.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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