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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32328-2023 (O&M)
Date of decision : 31.08.2023

Manpreet Singh @ Mani ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gurvinder Singh, Advocate for
Mr. Charanpuneet Singh, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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.166 dated 08.12.2022 under Section 346 of the Indian Penal Code, 1860 (Section 376 IPC added later on) registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the victim in the present case had refused to get herself medically examined as has been stated also in para 3 of the status report filed by learned State counsel by way of affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub Division, Gidderbaha, District Sri Muktsar Sahib. Learned counsel would further contend that the statement of the victim has since

been recorded before the Court on 28.08.2023 and she has not supported the case of the prosecution. It is further the contention that the petitioner has been in custody since 26.04.2023 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 04 months and 02 days. Learned State counsel on instructions from ASI Hakam Singh is not in a position to deny the fact that the victim had refused to get herself medically examined. He is also not in a position to deny the fact that the victim has not supported the case of the prosecution in her statement recorded before the Court on 28.08.2023 and that there is no other case pending against the petitioner.

4. Heard.

5. In the present case the victim had refused to get herself medically examined as has been stated also in para 3 of the status report filed by learned State counsel by way of affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub Division, Gidderbaha, District Sri Muktsar Sahib. The victim in her statement recorded before the Court on 28.08.2023 has not supported the case of the prosecution. As per the custody certificate, the petitioner has been in custody for a period of 04 months and 02 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.

31.08.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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