

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.217

CRM-M-35321-2022
Date of Decision: 14.02.2023

Harpinder Singh and another

.... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.S.Rangi, Advocate,
Mr. Sukhan Rangi, Advocate and
Mr. J.S.Sekhon, Advocate for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. S.S.Dhaliwal, Advocate for the complainant.

TRIBHUVAN DAHIYA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.177 dated 06.09.2021, registered under Sections 376-D and 506 IPC at Police Station City Rupnagar, District Rupnagar.

As per allegations in the FIR, the petitioners, along with co-accused are alleged to have made forcible physical relations with the complainant by threatening her, who is a married lady aged 32 years. She was called by the co-accused on the pretext of providing a job in the office of a property dealer, taken to a room there and the offences alleged were committed upon her.

Learned counsel for the petitioners contends that petitioners are victim of a honey trap. The complainant with her accomplice has been implicating people in such cases. He refers to an earlier complaint by her on similar allegations, leading to lodging of an FIR No.27 dated 20.07.2016 under Sections 376-D, 342 and 506 IPC at Police Station Chamkaur Sahib. The accused therein were ultimately acquitted by the trial Court vide judgment

dated 02.12.2016 (Annexure P-5). He has referred to another FIR No.52 dated 07.05.2019 under Sections 376 and 376-D IPC at Police Station Chamkaur Sahib, said to have been lodged by an accomplice of the complainant on similar allegations. The accused in that case were also acquitted by the trial Court vide judgment dated 26.11.2019 (Annexure P-6). It is also submitted that investigation of the case is complete, and trial is yet to commence. The petitioners are in custody since 06.09.2021.

Learned State counsel assisted by learned counsel for the complainant, upon instructions from ASI Subash Chander, is not in a position to dispute the submissions made by learned counsel for the petitioners. He, however, opposes grant of bail on the ground that DNA report has been received stating that petitioners cannot be excluded as contributors to the human semen/male DNA present on vaginal swabs and clothes of the prosecutrix.

Culpability of the petitioners is a matter of trial, which is still to commence and take long time to conclude. The petitioners are in custody for more than one year five months. Investigation in the case is already over and no useful purpose would be served by confining the petitioners to custody during trial.

In view of the facts enumerated above, petition is allowed. Petitioners are ordered to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

14.02.2023

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