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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-35677-2023 (O&M)  
Date of decision : 04.12.2023

Farooq ... Petitioner(s)  
  
Versus  
  
State of Punjab and Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. G.K. Mann, Senior Advocate with  
Mr. Anmol Jeevan Singh Gill, Advocate for the petitioner.  
  
Mr. M.S. Tiwana, AAG Punjab-respondent No.1.  
  
Mr. Tarun Seth, Advocate for respondent No.2.

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.0081 dated 08.06.2023 under Sections 376-D/506/120-B of the Indian Penal Code, 1860 (Section 376-B of IPC added later on) registered at Police Station Chattiwind, District Amritsar Rural. Initially the FIR was registered under Section 376-D IPC, however, subsequently charges were framed only under Section 376-B IPC and the remaining accused were found to be innocent.
2. Learned senior counsel for the petitioner would contend that the victim has since been examined and she has not supported the version of

prosecution. Infact, she has stated that she had not got any FIR registered nor suffered any statement that her husband committed any offence with her. Learned senior counsel would further contend that the petitioner has been in custody for a period of 05 months and 21 days.

3. Status report by way of affidavit of Sucha Singh, PPS, Deputy Superintendent of Police, (PBI-NDPS-cum-Narcotics), Amritsar Rural filed by learned counsel for the State is taken on record. Registry to scan the same and tag at the appropriate place. Learned counsel for the State on instructions from ASI Balwinder Lal and on the basis of the status report has stated that the prosecutrix got her supplementary statement recorded on 01.11.2023 wherein she has stated that she had entered into a compromise with her husband-Farooq (petitioner herein) and did not want any legal action against him. Learned counsel for the State is not in a position to deny the fact that subsequently the prosecutrix has been examined and she has not supported the version of the prosecution. Even the other material witnesses have not supported the case.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 05 months and 21 days. The prosecutrix as well as material witnesses have all turned hostile and have not supported the case of the prosecution. There is no medical on record in support of the charges of rape. 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.

04.12.2023  
Yogesh Sharma

( ALKA SARIN )  
JUDGE

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