

**CRM-2984-2023 in/and
CRM-M-43948-2022 (O&M) 1
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.108+215

**CRM-2984-2023 in/and
CRM-M-43948-2022 (O&M)
Date of Decision: 30.01.2023**

Gurbir Singh alias Balvir Singh alias Beera

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Yogesh Kumar Aneja, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

TRIBHUVAN DAHIYA, J. (ORAL)

CRM-2984-2023

This is an application for placing on record statements and cross examination of witnesses and DNA report as Annexures P-4 to P-7.

Application is allowed subject to all just exceptions and Annexures P-4 to P-7 are taken on record.

CRM-M-43948-2022 (O&M)

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.187 dated 31.08.2021, registered under Sections 376, 354-C, 506 of IPC and Section 67-A of IT Act, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

The allegations in the FIR are that the victim was blackmailed and raped by the petitioner first time in the year 2018. Subsequently also he is said to have raped her by threatening to make her objectionable photographs and videos viral.

Learned counsel for the petitioner contended that the victim was 29 years of age at the time of alleged incident of rape. He further contends that the petitioner is in custody since 01.09.2021, and during trial neither the victim nor her brother nor sister-in-law have supported the prosecution. He also submitted that even in the FSL report, which is on record as Annexure P-7, nothing could be found against the petitioner.

Learned State counsel, upon instructions from ASI Jang Singh, opposes the grant of bail on the ground that trial of the case is going on. He is, however, not in a position to dispute the submissions made by the learned counsel for the petitioner. It is also not disputed that only three out of twenty two witnesses have been examined so far, and the petitioner is in custody since 01.09.2021.

In this background, when the material witnesses have already been examined, and trial of the case is not likely to conclude in near future, no purpose would be served by confining the petitioner in custody during trial.

In view thereof, the petitioner is ordered to be released on bail subject to furnishing of adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Petition stands allowed.

(TRIBHUVAN DAHIYA)
JUDGE

30.01.2023
Maninder

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