

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-43746-2022
Date of Decision:20.07.2023

AMAN RAM

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Impinder Singh Dhaliwal, Advocate
 for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No.42 dated 07.04.2022 under Sections 376, 506 IPC registered at Police Station Kabarwala, District Sri Muktsar Sahib.
2. Custody certificate has been taken on record.
3. Briefly, the FIR has been registered on the allegations that the petitioner had committed forcible sexual intercourse with the prosecutrix, who is aged about 30 years.
4. Learned counsel for the petitioner contends that during the course of trial, the statement of the prosecutrix has been recorded and she has not supported the prosecution version. The petitioner is in custody for a period of 01 year and 28 days and is not involved in any other case.
5. Learned State counsel, on instructions of ASI Baljinder, has not disputed the fact that the prosecutrix has not supported the prosecution

version but has submitted that the report of FSL has not been received. It has also been submitted that out of 20, only one witness has been examined.

6. The petitioner is in custody for a period of 01 year and 28 days and is not involved in any other case. The prosecutrix who is aged about 30 years has not supported the prosecution version. She has specifically and categorically stated during the course of trial that she does not know the petitioner and he has not committed any rape with her. The report of FSL has not yet been received. Till date, only 01 witness has been examined and 19 witnesses still remain to be examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

(VIVEK PURI)
JUDGE

20.07.2023
P.Bhatt

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