

2023:PHHC:133648

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-41878-2023

Date of Decision: 13.10.2023

JATINDER DEVGAN

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. G.S.Sandhu, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 91 dated 02.03.2023 under Sections 376 and 506 IPC registered at Police Station City Barnala, District Barnala.

2. Reply by way of affidavit of Satvir Singh, Deputy Superintendent of Police, Sub Division, Barnala and custody certificate have been placed on record.

3. Briefly, the FIR has been registered on the allegations that on the pretext of facilitating and procuring of passport for the prosecutrix, the petitioner abducted the prosecutrix, took her to grain market Barnala and committed rape upon her.

4. Learned counsel for the petitioner contends that the petitioner is working as a Press Reporter and he has published certain news items against the administration. On that score in a short span of seven days, he was falsely implicated in three other cases and has been granted bail in those cases. The prosecutrix is aged about 22 years having a child and during the course of trial, her statement has been recorded. As per the report of DNA analysis, no human semen and male DNA was detected in the vaginal swabs.

5. Learned State counsel, on instructions from SI Maghar Singh, has submitted that the prosecutrix has attributed categoric and specific allegations with regard to commission of rape against the petitioner. However, it has not been disputed that the statement of the prosecutrix during the course of trial has been recorded and per the report of DNA analysis, no human semen and male DNA has been detected. Out of 21, only 01 witness i.e prosecutrix has been examined.

6. The prosecutrix is aged about 22 years and having a child. The report of DNA analysis does not indicate that human semen or male DNA was found in the vaginal swabs. The statement of the prosecutrix during the course of trial has been recorded. As such, it cannot be said that the petitioner can in any manner win over or influence the prosecutrix. The petitioner is in custody for a period of 07 months and 09 days and still 20 more witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

13.10.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No