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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-55056-2022

Date of Decision:-10.05.2023

GURWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Navkiran Singh, Advocate
for the petitioner

Mr.Arun Gupta, AAG Punjab

ALOK JAIN, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.93 dated 06.06.2022, under Sections 376 and 417 of IPC, registered at Police Station City Phagwara, District Kapurthala.

Status report by way of affidavit of Sh.Jaspreet Singh, PPS, Deputy Superintendent of Police, Sub-Division, Phagwara, dated 10.05.2023, on behalf of the respondent-State, has been filed, which is taken on record. Copy supplied to learned counsel for the petitioner.

Custody certificate dated 09.05.2023 has also been filed, which is taken on record.

As per the status report filed by the respondent-State, the prosecutrix has turned hostile and appropriate proceedings under Section 182 Cr.P.C.have been initiated against her.

After hearing learned counsel for the parties and the fact that the petitioner is a young boy of 28 years old and is in custody since

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26.08.2022, coupled with the fact that the prosecutrix has turned hostile and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned, and the interim order dated 01.03.2023 granting interim bail to the petitioner is made absolute. He shall, however, be released on the following conditions:

- I. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- II. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- III. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- IV. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

10.05.2023
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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No