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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57192-2022

Date of Decision:- 13.02.2023

SAHIL @ SAHIL SIMAK

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sahil @ Sahil Simak has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 143 dated 25.11.2021 under Sections 376, 506 of IPC, registered at Police Station Division No. 1, District Police Commissionerate Jalandhar, Punjab.

The facts of the case are that the prosecutrix gave her statement to the police that she did her graduation in the year 2021 and started working in The Knowledge Academy, Ranjit Nagar. She came in contact with Sahil three years ago while she was studying in HMTV school. The accused used to harass her and follow her regarding which he had apologized in the Panchayat. On 24.11.2021, she was going to her job. At about 08:30 A.M, she was going towards the main road on foot, when Sahil met her near Chaddha General Store where he was standing with his motorcycle along with another boy. Sahil slapped her and threatened to

defame her. Out of fear, she accompanied him. He took her in a room and gave beatings. He consumed drug in front of her and forcibly raped her. She shouted for help but nobody listened. Thereafter, at about 04/05:00 P.M, Sahil called his friends and told them to do wrongful act with her but the said two friends did not do anything. She was again given beatings and ultimately at about 07:00 P.M. she was dropped near Maqsudan chowk. She was threatened not to disclose about this occurrence to anybody. On reaching home, she told everything to her parents and ultimately the matter was reported to the police. At present, challan is already presented in the Court and the petitioner is facing trial under Section 376/506 of IPC.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. In fact, the parents of the petitioner refused him to marry the prosecutrix. Later on, he also refused to give Rs. 25 lacs to her for going abroad. The petitioner and the prosecutrix were known to each other since long. He has placed on record the photographs Annexures P-2 and P-3. All the allegations levelled against him regarding beating or threatening her or committing forcible rape are false. Learned counsel for the petitioner has relied upon the statement of prosecutrix recorded as PW-1, in which the factual position is clear. He is behind the bars since 04.12.2021. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Bail application is opposed by learned counsel representing the State by alleging that there are specific serious allegations against the present petitioner. The other prosecution witnesses are yet to be examined. Considering the gravity of offence, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. The challan in this case is already presented and the

petitioner is facing trial for the offence under Section 376/506 of IPC. It is a matter of record that the statement of prosecutrix is recorded as PW-1, who is a young girl of 21 years of age. The cross-examination of this witness is material where she has confirmed the facts which are mentioned in the bail application filed by the petitioner. The trial of this case is likely to take some time. Material witness has been recorded. Therefore, there is no question of influencing the material witness i.e. the prosecutrix. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Sahil @ Sahil Simak is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

13.02.2023
lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No