

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 223

Criminal Miscellaneous No.M-60594 of 2022

Date of Decision: April 13, 2023

Vikas Masih alias Vikas Bhatti

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Hitesh Chopra, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.0103 dated 16.08.2022, under Sections 376, 506 IPC, 1860, registered at Police Station Division No.1, District Pathankot.

2. As per allegations in the FIR, the complainant/victim has alleged that the petitioner asked her to come with her in swift car, stopped on the way, brought a cold drink, and something was mixed in it. After drinking, her condition got deteriorated and blood pressure lowered. On the pretext of re-fueling the tank, he took the car out of the city. Around 3:00 PM, he parked the car under the bridge near the railway track and raped her. She was threatened by him not to disclose about the incident as he had clicked her photographs which would be made viral. Thereafter, she boarded a bus and went to her cousin's house. Next day, she disclosed everything to her cousin, who further disclose it to her husband and the complaint was made to the police.

3. Learned counsel for the petitioner contends that the complainant/prosecutrix is a mature married lady, and the allegations against

the petitioner have been levelled as an afterthought only to implicate him in the case. The same are too implausible to be believed. It is further submitted by him that trial of the case is not progressing and the victim herself has not testified against him despite several opportunities.

4. Learned State counsel, on instructions from SI Dilbag Singh, opposes the grant of bail on the ground that trial of the case is going on and the prosecution witnesses, who are twenty in number, will soon be examined. He, however, does not deny that the prosecutrix was summoned for recording her testimony by the trial on 22.12.2022, 16.01.2023, 09.02.2023 and 27.03.2023, but she did not appear. The petitioner is in custody since 20.09.2022 and there is no other case against him.

5. The submissions made by learned counsel for the parties have been considered. Charges against the petitioner were framed on 23.11.2022, since then none of the prosecution witnesses has been examined, even the prosecutrix herself has not testified despite having been summoned several times by trial Court. Investigation of the case is already over and the petitioner, who is in custody for about seven months, cannot be kept there any longer in these circumstances. He has no criminal antecedents either.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

April 13, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No