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226 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-7148-2024 (O&M)  
Date of Decision: 12.08.2024

AMANA @ AMANDEEP SINGH  
.....PETITIONER  
  
Vs.  
STATE OF PUNJAB AND ANOTHER  
.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Tajinder Pal Singh Makkar, Advocate,  
for the petitioner.  
  
Ms. Sakshi Bakshi, A.A.G., Punjab.  
  
Mr. Satnam Singh, Advocate,  
for respondent No. 2.

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HARPREET KAUR JEEWAN J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 0077, dated 30.10.2023, under Sections 366 and 376 of the IPC read with Section 120-B thereof, registered at Police Station Bariwala, District Sri Muktsar Sahib.
2. The brief facts of the case are that on 23.10.2023 at about 09:00 p.m., the petitioner along with his co-accused is alleged to have taken away the prosecutrix from her house. It is further in allegation that Arshdeep Singh, co-accused of the petitioner has committed rape upon the prosecutrix without her consent.
3. Learned counsel for the petitioner *inter alia* contends that Arshdeep Singh, co-accused of the petitioner (brother of the petitioner) has solemnized marriage with the prosecutrix on 17.05.2024. The marriage



certificate was submitted in Court on 23.05.2024. The petitioner is in custody since 03.11.2024. The matter is alleged to have been compromised and a compromise deed dated 07.11.2023 (Annexure P-3) was allegedly executed between the parties.

4. Learned State counsel has filed the custody certificate, as well as the status report, dated 22.05.2024, by way of an affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib.

5. I have considered the aforesaid contentions.

6. As per the status report, the investigation qua the petitioner was complete and final report ('*challan*') stands present in Court on 28.12.2023. Charges have been framed. When the investigation qua the co-accused Arshdeep Singh was in progress, the District police received information regarding the filing of CRWP-1969-2024 by the prosecutrix and Arshdeep Singh for protection of their lives and liberty. As per the status report both the petitioners have claimed in the said petition that they are major and they have solemnized their marriage on 26.02.2024 at '*Prachin Pashupati Nath Shiv Mandir*', Sector 6, Panchkula. The said petition has been disposed of by this Court on 01.03.2024. It is also submitted in the status report that the prosecutrix has appeared as PW-1 (respondent No. 2) during the trial and she did not support the allegations levelled in the FIR and was declared hostile.

6.1 As per the custody certificate, the petitioner is in custody for a period of 09 months and 06 days. There is no other history of any case against the petitioner. There are no allegations of sexual assault against the petitioner. The conclusion of the trial is going to take time.



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7. Keeping in view the custody period of the petitioner and the allegations against the petitioner, without making any comment on the actual merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate concerned.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 12, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes

No