



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.8013 of 2024
Date of Decision: 22.05.2024

Billa Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Preetinder S.Ahluwalia, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. Gaurav Jain, Advocate,
for respondent No.2.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
112	Bhindi Saidan, District Amritsar	376 of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 13.12.2023 on the basis of a written complaint filed by the complainant “C” (name withheld) alleging therein that she was married 15 years back. She was not having cordial relations with her husband. On 03.11.2023 her husband had gone out for some important work. At about 11 PM while she was going towards the cattle shed for easing herself, the

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petitioner who is her brother-in-law (Jeth) caught hold of her and committed rape upon her. She disclosed about the incident to her husband but he turned a deaf ear and did not pay any heed. Thereafter, her husband in connivance with the petitioner threw her out of her matrimonial house on the next day. She prayed for taking action against the culprit. After registration of FIR, investigation proceedings were initiated. The victim was medically examined. Her statement under Section 164 of Cr.P.C. was also recorded. The petitioner was arrested on 13.12.2023. After completion of necessary investigation, challan was presented in the Court and presently, he is facing trial before the learned trial Court. The petitioner had moved an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 05.02.2024.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody since long. The victim has not supported the prosecution version while appearing before the Court. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be given benefit of bail.

4. Status report has been filed by the respondent-State. Learned State counsel assisted by learned counsel for respondent No.2 has argued that keeping in view the gravity of the allegations, the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have ravished the victim who is his

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sister-in-law on the night of 03.11.2023. The FIR was lodged after a gap of 40 days. Learned counsel for the petitioner has placed on record copy of statement of the victim as recorded before the learned trial Court which reveals that she did not support the prosecution version while appearing as PW-1 and stated that the petitioner had not committed rape upon her and even denied the factum of having moved any complaint before the police. She is also shown to have stated that her statement under Section 164 of Cr.P.C. was got recorded under the influence of villagers and police. Keeping in view the nature of the evidence which has come on record in the form of testimony of the star witness of the case i.e. the victim, the period of incarceration of the petitioner and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

22.05.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No