

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM -M -13864-2024

Date of Decision : **August 08, 2024**

KABAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manmeet Singh, Advocate for
Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.14 dated 2.2.2024 under Sections 377, 506 IPC, registered at Police Station Bhawanigarh, District Sangrur.

2. The instant FIR has been lodged on a complaint made by Kuldeep Singh, aged 30 years on the allegations that on 31.1.2024, the petitioner met him and on his request, the victim accompanied him for some work. The accused brought him to nearby canal and committed carnal intercourse with him forcibly. On the basis of the above statement, the FIR (supra) was registered on 2.2.2024 under Sections 377, 506 IPC against the present petitioner.



3. During investigation, the statement of victim was got recorded under Section 164 Cr.P.C. and he was medico-legally examined. Thereupon, the petitioner was arrested on 3.2.2024.

4. Learned counsel for the petitioner in the asking for the relief (supra), submits that it is highly improbable that a person aged 30 years can be subjected to any carnal intercourse that too forcibly. He further submits that there is a delay of 2 days in registration of FIR (supra), whereas, there is no reason whatsoever coming forth for such a huge delay and, therefore, it is a case of concoction. He further submits that there is no medical evidence to corroborate the oral allegations as alleged by the victim against the petitioner.

5. On the other hand, the learned State counsel has opposed the grant of regular bail to the petitioner on the ground that the victim was infact intellectually disable, therefore the petitioner has committed serious offence and is not entitled to be released on regular bail. He has also placed on record the custody certificate *qua* the petitioner and informs this Court that after completion of investigation, the final report has been submitted on 2.4.2024 and till date the charges have not been framed as the report of DNA is still awaited. He also informs this Court that total 15 witnesses have been cited by the prosecution in the final report.

6. Be that as it may, the perusal of the custody certificate reflects that the petitioner has no criminal antecedents and he has suffered incarceration of about 6 months 4 days as on today. The veracity of the allegations is yet to be established by the prosecution before the learned trial Court concerned and the trial is at initial stage, therefore, this Court deems it



fit and appropriate to extend the benefit of regular bail to the petitioner.
Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 08, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No