



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

328

CRM-M-23252-2024 (O&M)

Date of decision: 23.05.2024

KIRANDEEP SINGH ALIAS SONU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

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.0189 dated 29.08.2023 (Annexure P-1) under Sections 376, 342, 506 IPC registered at Police Station City Rupnagar, District Rupnagar.
2. Notice of motion.
3. On the asking of the Court, Mr. D.B. Singh, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.
4. Custody certificate dated 21.05.2024 has been filed on behalf of the respondent-State, which is taken on record.
5. As per the prosecution case, the complainant and the petitioner became friends with each other through Facebook messenger. On 29.08.2023 at about 10.00 am, the petitioner called the complainant at his house. The petitioner was alone in his home, when the complainant reached there. The petitioner locked



the door of his house and took off the clothes of the complainant and made forcible physical relations with her. The petitioner is alleged to have recorded a video of the said act and threatened the complainant to make the said video viral, if she would disclose about the said act to someone.

6. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 30.08.2023 as under-trial. He submits that the petitioner and prosecutrix were in a relationship and parents of the prosecutrix were against their relationship. No recovery is to be effected from the petitioner. He submits that investigation is complete; final report under Section 173 Cr.P.C has been presented before the trial Court and charges have also been framed. There are total 15 prosecution witnesses out of which 6 witnesses have been examined and the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

7. On the other hand, learned State counsel on instructions from concerned Investigating Officer has opposed the bail petition on the ground of the gravity of allegations against the petitioner. He has confirmed that the petitioner is in custody since 30.08.2023. He has informed that investigation is complete; final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. There are total 15 prosecution witnesses out of which 6 witnesses have been examined and 3 witnesses have given up. He has further informed that DITAC report of mobile phone of the petitioner is still awaited.

8. I have considered the aforesaid contentions. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. The



petitioner is in custody since 30.08.2023. The trial will take some time to conclude. Both the petitioner and complainant are major. There is no apprehension of tampering with the prosecution evidence at this stage. As per custody certificate, there is no history of other cases against the petitioner.

9. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

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

(HARPREET KAUR JEEWAN)
JUDGE

23.05.2024
P.Bhatt

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