

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:092695



CRM-M-33882-2024 (O&M)
DATE OF DECISION : 23.07.2024

MALKEET SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Lovepreet Singh Sidhu, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No. 47 dated 23.05.2023 under Sections 376, 120-B IPC registered at Police Station Joga, District Mansa.
2. Learned counsel for the petitioner *inter alia* contends that both the petitioner and the prosecutrix are of the same age. The prosecutrix is major. Petitioner is in custody since 29.05.2023 and despite the charges having been framed, the prosecutrix is not coming forth for recording her statement.
3. Custody certificate dated 22.07.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody

certificate, the petitioner has undergone 01 year, 01 month and 23 days of custody.

4. Learned State counsel has confirmed that the charges were framed on 15.02.2024 and after that the case has been adjourned 8 times and now the trial is fixed for 03.08.2024 and despite her service, the prosecutrix is not appearing. Learned State counsel has further informed that now the bailable warrants of the prosecutrix have been issued for procuring her service.

5. I have considered the aforesaid contentions and perused the paper book.

6. In view of the custody period of the petitioner and in view of the allegations and the facts and circumstances of this case, the present 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.

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

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

23.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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