

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-35037-2023 (O&M)
Date of decision: 02.05.2024

SUKHCHAIN SINGH @ TONNY ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Kuldip Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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.110 dated 28.07.2022 (Annexure P-1) under Sections 376, 506 of the IPC registered at Police Station Sadar Jalalabad, District Fazilka.
2. Custody certificate dated 01.05.2024 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 06 months and 08 days of actual custody.
3. As per the prosecution case, the present FIR was registered at the instance of the prosecutrix/victim. The petitioner and the prosecutrix were known to each other. On 26.07.2022, parents of the prosecutrix had gone out of the house for transplantation of paddy and the prosecutrix was alone at home. Thereafter, the petitioner came to the house of the prosecutrix. The petitioner forcibly entered

in the room of the prosecutrix and gagged her mouth with his hand and committed rape upon her.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 26.10.2022. He further contends that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel on instructions from concerned Investigating Officer has informed that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is in custody for 01 year 06 months and 08 days. The petitioner is 20 years old whereas the age of the prosecutrix is 22 years. She has informed that there are total 18 witnesses, out of which 4 witnesses including the material private witnesses have been examined. As per the custody certificate, there is no history of other cases against the petitioner.

6. I have considered the aforesaid contentions. The prosecutrix is major. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. There are total 18 prosecution witnesses, out of which only 4 witnesses have been examined so far, as such trial will take some time to conclude.

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

(HARPREET KAUR JEEWAN)
JUDGE

02.05.2024
P.Bhatt

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