



CRM-M-43401-2024(O&M)

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

291

CRM-M-43401-2024 (O&M)

Date of decision: 12th November, 2024

Gurnam Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lalit Pathak, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.55 dated 29.03.2023 registered under Sections 354, 376, 506 and 511 of IPC and Sections 25 and 27 of Arms Act, 1959, police Station Sadar Khanna, District Ludhiana. His previous bail petition bearing CRM-M-60231-2023 O&M) had been dismissed on merits vide order dated 20.05.2024.

2. The petitioner has been booked for commission of aforementioned offences and is facing trial on the allegations that on 17.03.2023, he had caught hold of the prosecutrix (name withheld) after entering inside her house, tried to outrage her modesty and then attempted to commit rape upon her.

3. It is argued by learned counsel for the petitioner that he is in



custody since 06.09.2023. The prosecutrix has since been cross-examined. There is delay of twelve days in reporting the matter to the police that has not been explained by the prosecutrix in her sworn deposition. The statement of the prosecutrix is suffering from several *lacunas* and does not prove his involvement in the subject crime. The circumstances have changed and have made him entitled to be released of bail. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that the previous bail petition of the petitioner was dismissed on merits. The allegations against him are serious in nature. There is no significant change in the circumstances since the rejection of previous bail petition and therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have entered into the house of the prosecutrix on 17.03.2023 and is further alleged to have outraged her modesty, made an attempt to ravish her and as per the further allegations, he had criminally intimidated her. Copy of the sworn deposition of the prosecutrix has been placed on record, which shows that her cross-examination has also been completed. She is shown to have admitted that she had not reported the matter to the police till 24.03.2023 i.e. for a period of six days from the date of occurrence. No explanation for delay appears to



have been given by her. The petitioner is in custody for a period of more than one year and two months. There are no chances of his intimidating the prosecutrix as she already stands examined. Keeping in view the nature of the allegations as levelled against the petitioner, the period of incarceration and the above discussed facts and circumstances of the case, I am of the considered opinion that the petitioner deserves to be released on bail at this stage. Therefore, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th November, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No