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2024 : PHHC : 039145

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-9656-2024 IN/&
CRM-M-50927-2023 (O&M)

DATE OF DECISION : 19.03.2024

ANURAG @ NANDU

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Monita Mehta, Advocate for the petitioner.

Mr. Ramandeep Singh, Sr. DA.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

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1. This is an application for placing on record the relevant documents as Annexures P-11 and P-12.
2. The same are allowed to be taken on record.
3. Registry is directed to tag the same at the appropriate place.
4. Disposed of.

Main case

5. 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. 31 dated 24.04.2023 (Annexure P-1) registered under Section 376 IPC at Police Station Chabbewal, District Hoshiarpur.
6. The petitioner is facing trial with the allegations that on 24.04.2023 at about 5 p.m. he entered the room of the prosecutrix, who is

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aged about 20 years and forcibly committed rape with her.

7. Learned counsel for the petitioner contends that the petitioner is in custody since 25.04.2023. The investigation of the case is complete. Petitioner is employed in Hoshiarpur District Co-operative Milk Producers Union Ltd. and he was on duty on the alleged date of occurrence, as per his attendance, Annexure P-5. It is further contended that as per the medical evidence i.e. affidavit of the medical officer who conducted the medical examination of the prosecutrix (Annexure P-4), no fresh injury was seen on the private parts of the prosecutrix and she has categorically alleged that “impression there is nothing to suggest that sexual intercourse has been done with the patient”.

8. The State has filed the status report by way of affidavit of Shivdarshan Singh, Deputy Superintendent of Police, District Hoshiarpur, which is taken on record.

9. Learned State counsel has opposed the bail application on the ground of gravity of allegations. However, this fact has been confirmed in the status report that petitioner was arrested on 25.04.2023.

10. I have considered the aforesaid contentions.

11. The petitioner is in custody since 25.04.2023. Investigation is complete. Final report after investigation has been presented under Section 173 Cr.P.C. As per the status report, forensic DNA test was done and as per the report dated 09.03.2024 human semen and male DNA was not detected on the clothes, vaginal smears and swabs of the victim and female DNA was not detected on the clothes of the petitioner. The trial is going to take time.

Prosecutrix is a major. There is no apprehension of absconding the

petitioner.

12. In view of the aforesaid facts and circumstances and without expressing any opinion on the merits of the case, the application is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

19.03.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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