



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-87-2024 (O&M)
DATE OF DECISION : 27.05.2024

SAMARJEET SINGH ... PETITIONER
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. H.S.Dhandi, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.
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HARPREET KAUR JEEWAN, J. (ORAL)

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. 170 dated 12.10.2022, registered under Sections 376(2)(n), 328, 384, 450, 506, 34 of IPC and Section 66(E) of Information Technology Act at Police Station Jakhal, District Fatehabad.

2. It is in allegation that the petitioner and the complainant were in connection with each other as the petitioner used to sanction loan to needy women and the complainant used to assist him. On 28.11.2021 at about 3 P.M., the petitioner came in the room of the complainant and he asked for tea. When she went inside to bring more sugar to be added in the tea, the petitioner added some intoxicant in the tea. As such, the complainant became unconscious and thereafter, the petitioner committed rape upon her. It has been further alleged that the complainant handed over a sum of about Rs. 6 Lakhs to the petitioner through cheque.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 23.10.2022 and he has been falsely implicated in this

been lodged after a period of one year on 12.10.2022. The complainant is a married women about 33 years of age and having 4 children whereas the petitioner is 21 years of age.

4. State has filed the status report by way of affidavit of Shamsher Singh, HPS, Deputy Superintendent of Police, Tohana, Fatehabad along with Annexures R-1 to R-5. Learned State counsel has opposed the bail application, however, this fact has been confirmed that petitioner is in custody since 23.10.2022. Out of 24, 2 witnesses have been examined. As per the DNA report (Annexure R-3), there is no matching.

5. Heard.

6. In view of the facts and circumstances of the case and keeping in view the custody of the petitioner and also the fact that investigation is complete, statement of material witnesses have already been recorded; the conclusion of the trial is still going to take time as counsel for the petitioner contends that he is yet to lead defence evidence, the co-accused of the petitioner has already been granted concession of bail vide order dated 14.12.2023 in CRM-M-30526-2023 passed by the Co-Ordinate Bench of this Court, no fruitful purpose would be served by keeping the petitioner in custody during trial. Therefore, without expressing any opinion on the merits of the case, the petition 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.

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

27.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**