

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

CRM-M-2847-2025 (O&M)

Date of Decision:-25.03.2025

Sarabjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kuldeep Singh Ahluwalia, Advocate for the petitioner.

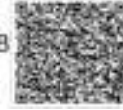
Mr. P.S. Bhandari, AAG, Punjab.

Mr. Neeraj Yadav, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present is the 4th petition filed under Section 483 of BNSS, 2023, for the grant of regular bail to the petitioner in case bearing FIR No.0026 dated 08.03.2023 under Section 376 of IPC, registered at Police Station Joga, District Mansa.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody since 13.03.2023, which is more than two years. He submitted that the material witnesses, including the victim, have already been examined. He stated that, as per the allegations, the victim was a 19 years old girl at the time of the occurrence and the allegations in the FIR are that, about 2-3 months ago, the petitioner came to her house and forcibly raped her. He further submitted that no medical examination was conducted in the present case and the case of prosecution has not been supported by medical evidence. He also submitted that the petitioner has been



falsely implicated in the present case due to enmity. Therefore, considering the custody period of the petitioner and the stage of the trial, he may be considered for the grant of regular bail.

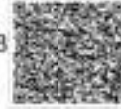
3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct and it is also correct that all the material witnesses including the victim have been examined. So far as the medical evidence is concerned, he also submitted that case of the prosecution has not been supported by medical evidence.

4. Learned counsel appearing on behalf of the complainant has opposed the grant of bail to the petitioner on the ground that petitioner has committed a serious offence. As such, considering the gravity and seriousness of the offence, the petitioner does not deserve the concession of regular bail

5. I have heard the learned counsels for the parties.

6. It is a case where custody of the petitioner is more than 2 years, as he has been in custody since 13.03.2023. As per the FIR, the complaint was lodged after about 2-3 months and therefore, no medical examination could have been conducted in this regard. Furthermore, it is neither the case of learned State counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence. Therefore, this Court is of the view that, considering the custody of the petitioner and the fact that all the material witnesses, including the victim, have already been examined, it is fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to



furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

25.03.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No