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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20842-2024(O&M)

Date of Decision: 05.02.2025

Sahib Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Jaswal, Advocate, for the petitioner.

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

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.120 dated 11.09.2023, under Sections 376 and 506 IPC, registered at Police Station Rajasansi, Amritsar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for 1 year, 1 month and 6 days and all the material witnesses including the prosecutrix and the mother of the prosecutrix have already been examined. He submitted that it is a case where the allegations against the petitioner were with regard to committing of rape upon the prosecutrix when she was walking in front of the house of the petitioner and he had pulled her from arms and took her in his room. He submitted that there had been a delay of 22 days in lodging of the FIR and no medical of the prosecutrix was conducted because she refused to



undergo the same. He submitted that it was a concocted story on the part of the prosecutrix and motive behind lodging of this false FIR was that some of the common relatives had initiated the process of proposal for the marriage but the petitioner had refused to accept the aforesaid proposal of marriage with the prosecutrix and it was because of this reason that the present FIR was lodged against him. He submitted that be that as it may, it is a case where the prosecutrix was of the age of 19 years and was major and she refused to undergo medical examination. He submitted that in fact no offence has been committed and also in view of the fact that all the material witnesses have already been examined, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr.P.S. Bhandari, AAG. Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the prosecutrix was 19 years of age. He also submitted on instructions that the prosecutrix did not permit her medical examination.

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

5. The petitioner is in custody for 1 year, 1 month and 6 days and as per learned counsel for the parties, all the material witnesses including the prosecutrix and her mother have already been examined. There was no medical conducted on the prosecutrix in the present case and she was a major of the age of 19 years.

6. In view of the aforesaid facts and circumstances, this Court deems it 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 subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

05.02.2025
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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