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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21320-2025(O&M)
Date of Decision: 09.07.2025

Suresh Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jasjit Singh Saini, Advocate for
Mr. Dheeraj Mahajan, Advocate, for the petitioner.

Mr. Gurpartap Singh Bhullar, 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.90 dated 26.08.2024, under Sections 376, 450, 354-D, 506 IPC (Sections 64, 332, 78, 351 of BNS), registered at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody from 07.09.2024, which is almost 10 months and the complainant has already been examined in the present case. He submitted that it is a case where as per the FIR, the allegations were pertaining to the commission of the offence of rape, whereas in fact it was a concocted story as both the petitioner and the complainant are married at different places and have their own children. He submitted that the petitioner



is of the age of 43 years, whereas the complainant is of the age of 44 years and they are otherwise related to each other and it was because of a financial dispute between the parties that the false allegations were levelled against the petitioner. He further submitted that the complaint was made by the complainant after a lapse of three months from the date of occurrence and the FIR was registered after a lapse of about 6-7 months. He submitted that although the complainant has levelled allegation of rape against the present petitioner but she refused to undergo medical examination because of the reason that she had levelled false allegations against the petitioner and therefore, considering the aforesaid facts and circumstances and also the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurpartap Singh Bhullar, learned 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 complainant has already been examined in the present case. With regard to the relationship between the petitioner and the complainant as well as their respective ages, the same are also not disputed by him. He also did not dispute that the complainant had refused to undergo medical examination, although allegation of rape was made and that the complaint was made by her after a lapse of three months from the date of alleged occurrence.

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

5. It is a case where the petitioner is in custody from 07.09.2024 which is almost 10 months and the complainant has already been examined in the present case, as per the learned counsels for the parties. Both the learned counsels for the parties have submitted that both the petitioner and



the complainant are persons of mature understanding and they are married at different places and have grown-up children as well. The complainant had refused to undergo medical examination, as per both the learned counsels for the parties. Furthermore, it is not the case of the State counsel that in case the petitioner is released on bail, then he may influence the remaining witnesses or may tamper with evidence or may flee from justice.

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.

09.07.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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