

211
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48671-2024 (O&M)
Date of decision: 30.01.2025

CHETAN SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate for the petitioner.

Ms. Seena Sandhu, Addl. A.G., Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CRM-48389-2024

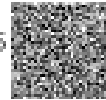
Prayer in this application is for placing on record Annexure P-8 and
Annexure P-9.

For the reasons mentioned in the application, the same is allowed.
Annexure P-8 and Annexure P-9 are taken on record, subject to all just
exceptions.

CRM-3669-2025

Prayer in this application is for placing on record Annexure P-10
and Annexure P-11.

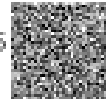
For the reasons mentioned in the application, the same is allowed.
Annexure P-10 and Annexure P-11 are taken on record, subject to all just
exceptions.

**CRM-M-48671-2024**

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.64 dated 05.08.2023, under Sections 376, 317, 363 and 307 of the IPC, registered at Police Station Nurmehal, District Jalandhar, Punjab.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for 1 year, 5 months and 21 days. He submitted that the prosecutrix has already been examined and she has not supported the prosecution version and has been declared hostile and some of the other material witnesses have also been examined. He submitted that as per the allegations, the brother of the prosecutrix had made a complaint to the police that his sister has been raped by the petitioner and impregnated her and thereafter, after delivery he had taken away the girl child with him and the whereabouts of the child are not known.

3. Learned counsel submitted that the entire story put forward by the police was a totally concocted story particularly in view of the fact that the petitioner is of the age of 70 years and as per the brother of the prosecutrix, his sister was mentally not stable. He further submitted that when the prosecutrix stepped into the witness box during examination-in-chief, which is attached alongwith the present petition as Annexure P-3, she has stated that the petitioner used to come to her house and after having tea, he used to go back. He submitted that till date even the report of the Forensic Science Laboratory pertaining to the DNA result has also not been obtained and it is otherwise also highly illogical and improbable with regard to the allegations against the petitioner particularly when he is 70 years of age. He also submitted that be that



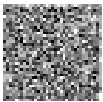
as it may, considering the long custody of the petitioner as aforesaid and the fact that prosecutrix has already been examined, he may be considered for the grant of regular bail.

4. On the other hand, Ms. Seena Sandhu, learned Additional Advocate General, Punjab submitted that it is correct that the petitioner is in custody for 1 year, 5 months and 21 days and it is also correct that the petitioner was of the age of 70 years at the time of occurrence. She further submitted that the allegations against the petitioner were serious in nature because as per the allegations, the petitioner had repeatedly raped the prosecutrix who was not of a stable mind and impregnated her and taken away the girl child, who was abandoned in the vacant plot.

5. At this stage, learned counsel appearing on behalf of the petitioner submitted that so far as the aforesaid alleged role of the petitioner that he has been repeatedly raping the aforesaid prosecutrix and thereafter, she impregnated her is concerned, the FIR has been lodged after the delivery of the child and it is a case of the complainant, who is the brother of the prosecutrix that everyday the petitioner used to come to the house of the prosecutrix and it is not possible that they have not detected the pregnancy of the prosecutrix and therefore, the entire story would fall on the ground on the basis of the aforesaid improbable story being made by the police.

6. I have heard the learned counsels for the petitioners.

7. It is a case where the petitioner is in custody for 1 year, 5 months and 21 days and he is stated to be of the age of 70 years. The prosecutrix has already been examined and as per the learned counsel for the petitioner, she has not supported the prosecution version and has turned hostile. The probabilities



and improbabilities which have been raised by the learned counsel for the petitioner particularly pertaining to the age factor of the petitioner and also the fact that the complainant, who is the brother of the prosecutrix did not complain anybody with regard to the pregnancy of his sister for long period of time and it was only after delivery of the girl child that the same was reported to the police is all the matter of evidence which can be seen only at the time of trial and can be ascertained only by adducing evidence.

8. The present is a petition for grant of regular bail only and especially on the ground of long custody and age of the petitioner. This Court is of the view that considering the aforesaid facts and circumstances and without commenting anything on the merits of the case, the petitioner deserves the concession of regular bail.

9. 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 the learned trial Court/Duty Magistrate concerned.

10. 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

30.01.2025
rakesh

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