



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

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CRM-M-63807-2024
Date of decision: 07.01.2025

ManpreetPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

Ms. Avneet, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No.0181 dated 13.10.2023 registered under Section 376 of IPC at Police Station City Fazilka.

2. The present FIR was registered against the petitioner on a statement made by the complainant stating that on account of her matrimonial discord, she started residing in a rented premises and while staying there, she came in contact with the petitioner. On 07.10.2023 at about 6 O'Clock, the petitioner came to her house and forcibly took her to one room of her house where he made physical relation with her against her will. In the meanwhile, friend of the complainant came at the spot and when she raised hue and cry, the petitioner ran away from the spot.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present

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case. The prosecutrix has admitted in her statement before the trial Court that the petitioner-accused used to help her financially and when her relation with accused had turned sour when he stopped helping her financially, therefore, the complaint was made. She has also stated that the petitioner had never made sexual relations with her forcibly but it was consensual. He further submits that the petitioner is in custody for the last 05 months and 08 days and the trial is likely to take considerable time to conclude. He further submits that the petitioner is not involved in any other case.

4. Per contra, learned State counsel, while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner. However, she could not dispute that the petitioner is in custody for the last more than 05 months; investigation in the present case is complete; challan has been presented; charges have been framed; the case before the trial Court is at the stage of recording the prosecution evidence, trial may take a considerable time to conclude and he is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the statement of the complainant/prosecutrix; custody of the petitioner, which is 05 months and 08 days; investigation is complete; challan has been presented; charges have been framed and the case before the trial Court is at the stage of recording the prosecution evidence; petitioner is not involved in any other case and trial is likely to take a considerable time, however,



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without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

07.01.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No