

# Law Today Live Doc. Id. 15577

**PUNJAB AND HARYANA HIGH COURT**

**Before: Manjari Nehru Kaul, J.**

CRM-M No. 34587 of 2020

Decided on: 05.11.2020

Amandeep Singh @ Aman @ Gurdeep Singh

Petitioner

Versus

State of Punjab

Respondent

(Through Video Conferencing)

Present:

Mr. Ravish Bansal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG., Punjab.

**Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Indian Penal Code, 1860 (45 of 1860), Sections 376-D, 506 – Rape with married woman – Regular bail -- Petitioner has been in custody since 18.10.2019 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future – Court deemed it a fit case to grant the concession of regular bail to the petitioner -- Without expressing anything on the merits of the case, the petition allowed and the petitioner ordered to be released on regular bail.**

**(Para 6)**

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**MANJARI NEHRU KAUL, J. (ORAL) –**

1. This is the second petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 241 dated 18.10.2019 under Sections 376-D, 506 IPC registered at Police Station Civil Lines, Bathinda.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 18.10.2019 and the prosecution evidence has still not began. He further contends that a perusal of the FIR in question reveals that an un-believable version has been put forth by the prosecutrix who admittedly is a married woman. It is submitted that the alleged occurrence took place inside the house of the prosecutrix which is in a thickly populated area and it could not be believed that the sexual assault of the prosecutrix would have gone un-noticed by her neighbours. He further contends that the case of the prosecutrix is further belied not only from the DNA report which did not show any male DNA either on the clothes or on the vaginal swabs of the complainant, but even as per the MLR report annexed as Annexure P-2 no external injuries were found on any part of the body of the complainant, which raised a big question mark qua the authenticity of the allegations of rape by the prosecutrix.

3. It has further been submitted that, in fact, the petitioner and the prosecutrix were neighbours and there was a previous dispute between them, which was the reason behind his false implication in the FIR in question. He, thus, prays that he be extended the concession of regular bail as he has been in custody since 18.10.2019.

4. Per contra, learned State counsel while opposing the grant of regular bail to the petitioner on instructions from ASI Mukhtiar Singh submits that there are serious allegations levelled against the petitioner of raping a married woman while she was all alone at her home. He further submits that the prosecution evidence is likely to commence in the near future.

5. Heard.

6. Keeping in view the fact that the petitioner has been in custody since 18.10.2019 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

**Petition allowed.**

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