



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4878-2024 (O&M)

Date of Decision:-27.05.2025

Gurlal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. G.S. Bhullar, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.93 dated 10.12.2015 under Sections 376 (D) of IPC (Sections 109 and 120-B of IPC added later on) registered at Police Station, Chohla Sahib, District Tarn Taran.
2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 04 years, 07 months and 25 days. He submitted that in the present case, the complainant had made allegations that one of the co-accused namely Angrej Singh @ Lali had taken away the complainant at a particular place and thereafter the petitioner and another co-accused namely Gurdev Singh @ Hira Singh, committed rape upon her. He submitted that 09 prosecution witnesses have already been examined including the complainant. He further submitted that with regard to complainant's pregnancy, she did not permit DNA matching. He also submitted that one of the aforesaid co-accused, who is similarly situated with



the present petitioner, namely Gurdev Singh @ Hira Singh, has already been granted regular bail by a Coordinate Bench of this Court vide Annexure P-1 dated 17.08.2023 and the petitioner is exactly at parity with the aforesaid co-accused and on this ground as well, he may be considered for grant of regular bail, besides the fact that the petitioner has already faced incarceration for about 04 years, 07 months and 25 days.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct that 09 prosecution witnesses, including the complainant, have been examined. He further submitted that the prosecutrix did not permit DNA matching. However, he submitted that the petitioner is a habitual offender and is involved in two other cases under the NDPS Act and one case under the Prison Act. He also submitted that, so far as the parity of the petitioner with the co-accused Gurdev Singh @ Hira Singh is concerned, the allegations against the aforesaid co-accused, who has been granted the concession of bail, are similar to those against the present petitioner.

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

5. It is a case where the petitioner has suffered incarceration for about 04 years, 07 months and 25 days and as per both the learned counsels for the parties, 09 prosecution witnesses including the complainant have already been examined. One of the other co-accused namely Gurdev Singh @ Hira Singh, who is stated to be at parity with the present petitioner has already been extended the benefit of regular bail by a Coordinate Bench of this Court vide Annexure P-1 on the ground of long custody. The custody of the petitioner is very long and 09 prosecution witnesses including the complainant



have already been examined. Therefore considering the custody period of the petitioner and also the parity aspect, this Court deems it fit and proper to grant regular bail to the petitioner.

6. 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.

7. 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

27.05.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No