



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

**CRM-M-51728-2024 (O&M)
Date of Decision:-24.03.2025**

Aman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepak Goyal, Advocate for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.24 dated 17.03.2024 under Sections 376/376(2)(n)(h) of IPC registered at Police Station Moonak, District Sangrur.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 1 year and 05 days and till date, only 01 official prosecution witness has been examined. He submitted that the challan in the present case has been presented and charges have already been framed on 31.08.2024, which is almost 07 months ago. He further submitted that, as per the allegations levelled against the petitioner by the complainant, it is alleged that the petitioner is the younger brother of the complainant's husband, and on 18.10.2023, she was 7 months pregnant and the complainant's husband was not at home and the petitioner allegedly took advantage of the situation and committed rape upon her on 18.10.2023 and



thereafter again on 21.10.2023. He also submitted that the present FIR was lodged after a period of 5 months and the allegations were pertaining to commission of rape twice. However, the complainant did not undergo any medical examination at all. It was only after a period of six months, following the registration of the FIR, that she underwent a medical test, but by that time, nothing could be determined from it, as 6 months had already passed since the alleged occurrence. In this way, the entire story was concocted by the complainant against the petitioner due to a family dispute. He submitted that the fact that the petitioner has been framed in the present case would be substantiated from the facts that, on both the aforesaid dates i.e., 18.10.2023 and 21.10.2023, which have been mentioned in the FIR, the petitioner was attending a state-level Archery tournament, which happened from 17.10.2023 to 22.10.2023, as per Annexure P-2, is the certificate issued showing that the petitioner had participated in the aforesaid tournament, representing District Mansa. The tournament was held in Patiala, which is a different place from the place of residence where the alleged occurrence is stated to have taken place. He submitted that, rather, the petitioner is an outstanding sportsman who has earned many certificates and medals. It was only as a result of a family dispute that the petitioner has been falsely implicated in the present case. As such, in view of the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct, and it is also correct that charges in the present case were framed on 21.08.2024. Till today, only one official prosecution witness has been examined. He also submitted that



the medical examination did not take place immediately after the alleged occurrences of 18.10.2023 and 21.10.2023. It was only after about 06 months of registration of the FIR that the medical examination took place, but nothing could be determined from it. With regard to the family dispute between the parties, he submitted that he has no instructions in this regard.

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

5. It is a case where the petitioner has been in custody for about 1 year and 5 days. The allegations in the present case were made by the complainant, who claimed that she was 7 months pregnant when the petitioner, being the younger brother of her husband committed rape upon her on 18.10.2023 and 21.10.2023. Learned counsel for the petitioner has heavily relied upon Annexure P-2, which is a certificate issued by the Department of Sports, State of Punjab and has also produced the original certificate of the same before the Court today. As per the aforesaid certificate, the tournament was held from 17.10.2023 to 22.10.2023, during which the petitioner represented District Mansa in an Archery tournament. Apart from the above, no medical was conducted after the alleged occurrence, especially when the complainant is stated to be 7 months pregnant. For the purpose of considering the grant of bail to the petitioner, the certificate that has been attached would gain significant importance. It is the argument of learned counsel for the petitioner that because of the family dispute, the petitioner has been framed in the present case. The petitioner has already faced incarceration for 01 year and 05 days. It is also stated by learned counsel for the petitioner that the petitioner is an outstanding sportsman, and his entire career will be spoiled if his custody is perpetuated. Furthermore, it is neither the case of learned State



counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence. Therefore, considering the totality of the circumstances and after hearing the learned counsels for the parties, 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 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

24.03.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No