

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

**Crl. Misc. No.M- 33727 of 2015
Date of decision : 16.10.2015**

Harwinder Singh @ Goldy

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. P.S. Bajwa, D.A.G., Punjab.

Mr. Amit Dhawan, Advocate
for the complainant.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 68 dated 14.08.2015, registered under Sections 376, 341, 354 IPC, Police Station Women, District Amritsar.

Heard.

Learned counsel for the petitioner contends that perusal of the FIR would show that the complainant had stated that after the death of her husband, she wanted to marry the petitioner and the allegations are that the petitioner had refused and she married Narinder. It was urged that there is no date or time of the incident in the FIR. The counsel further urges that the petitioner had lodged an FIR Annexure P-4 against the husband of the complainant over a

year ago and the statement of the complainant is available at page no.32 wherein she has admitted that there were family relations for the last 7 – 8 years. Counsel further urges that Annexure P-6 is the report in which presence of Narinder was found in Amritsar on the date of the incident reported by the petitioner. Counsel further urges that the call records have been placed on record and no call had been made and he has in his possession copy of the Whatsapp messages sent by the complainant prior to the incident which have not been made part of the record. Counsel for the petitioner further urges that in April, 2015, the complainant consumed poison alleging that there were threats from the petitioner but no call was made on these dates and the allegations are vague. The counsel urges that the petitioner was arrested on 14.08.2015 and challan has been presented and the trial would take time.

The bail application is opposed by the complainant as well as the State and it was urged that the petitioner had forced himself into house of the complainant and had drugged her and had taken photographs and was blackmailing her.

It was urged by the counsel for the complainant that the FIR lodged by the petitioner against the husband of the complainant was found to be false and cancellation report is going to be submitted.

The State counsel was asked whether any recovery had been effected on which he states that no recovery of photographs was made.

The complaint is by a married woman. Her first marriage took place in 2005. Her husband died in 2007. The complainant returned to live with her parents. The petitioner resides in the same area and they had been meeting. This fact is admitted by the complainant in the FIR. She had given a proposal for marriage to the petitioner which he had refused. This is referred in the FIR. The prosecutrix has leveled allegations that the petitioner drugged her and committed rape upon her and had taken photographs and was demanding money and was issuing threats.

The complainant did not give the date of the incident in the FIR nor the counsel for the complainant could give it during the course of arguments. There is no MLR on that date or the next day. Therefore, all the issues will have to be dealt with by the trial Court at the time of trial. The investigation is over. Challan has been presented. The trial will take time to conclude. Without commenting on the merits, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court with the condition that the petitioner directly or indirectly will not approach the complainant or tamper with evidence.

16.10.2015
sunil

(ANITA CHAUDHRY)
JUDGE