

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

Crl. Misc. No. M-20643 of 2016

Date of decision : 08.07.2016

Kamaljit Singh

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Hitesh Verma, Advocate, for the petitioner

Mr. A.P.S. Gill, A.A.G. Punjab

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 15 dated 02.04.2016, registered at Police Station Joga, District Mansa, who has been booked for having committed the offence punishable under Sections 376/506 IPC.

The allegations set out in the F.I.R are that the petitioner had kept the complainant along with him for 07 years and made her to get divorce from her husband. He physically exploited her for seven years on the pretext of marriage. Further he obtained Rs.3 lacs from the complainant.

Learned counsel for the petitioner at the very outset informed the Court that application filed by the complainant under Section 125 Cr.P.C has been withdrawn by her and further the complainant had earlier moved a complaint on the similar allegations before S.S.P Mansa in which compromise dated 20.07.2016 was effected between the parties and the

complainant stated that she does not want to pursue any complaint against the petitioner or his parents.

Learned State counsel on instructions from ASI Gurnaib Singh submits that challan has been presented on 25.05.2016 and charges have not been framed. Petitioner is in custody since 23.04.2016.

The regular bail of the petitioner has been declined on the ground that he had exploited the complainant on the pretext of marriage and he had taken Rs.3 lacs as well from her.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

A bare perusal of compromise (P-3) clearly shows that it was nowhere agreed between the petitioner and the complainant that they will solemnize marriage. Thus, it is the complainant who had taken a conscious decision to live with the petitioner.

Keeping in view the period of incarceration of the petitioner, this court feels that there is no need to detain the petitioner any longer.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Mansa.

08.07.2016

G Arora

(RITU BAHRI)
JUDGE