

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-41270 of 2015

Date of decision : 29.01.2016

Jagroop Singh @ Jupa

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. B.S. Khehar, Advocate for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 116 dated 26.08.2014 registered at Police Station Ghuman, Police District Batala, District Gurdaspur under Sections 363, 366-A, 342, 376, 120-B IPC and Sections 3 and 4 of POCSO Act.

Learned counsel for the petitioner contends that the date of incident is reported to be 23.12.2013 whereas the FIR had been lodged on 26.08.2014 and the petitioner is in custody since then. It was urged that the complainant was married to the younger brother of the petitioner and it was a matrimonial dispute. He further states that Gurwinder Singh got married to Manjinder Kaur in January 2014 and bail had been allowed to the father-in-law.

The allegations made by the complainant were that she was waiting at then Bus Stand and one clean shaved boy came on a motorcycle and stopped near her and offered to drop her at her sister's house and believing him she sat on his motorcycle and instead of dropping her to the house of her sister he took her to a Tubewell and committed rape upon her. She had stated that on her repeated requests he revealed his name as Jagroop Singh @ Jappa son of Salwant Singh. On 25.12.2013 she asked him to marry and then on 03.01.2014 Jagroop Singh got her married to his brother. She had disclosed that whenever Jagroop used to go out his father locked her in the house and did not allow her to go out.

Strange allegations have been levelled by the prosecutrix who is married to to the brother of the petitioner. The complaint was made after 8 months.

No medical examination was got done at that time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

January 29, 2016

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**(ANITA CHAUDHRY)
JUDGE**