

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.***

Crl. Misc. No.M-6441 of 2016 (O&M)

Date of Decision: 21.04.2016

Surinderjit Singh Rana

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

Crl. Misc. No.12372 of 2016

This application has been moved for placing on record the statement of the complainant as Annexure P-5.

Criminal Misc. Application is allowed and Annexure P-5 is taken on record.

Crl. Misc. No.M-6441 of 2016

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.48 dated 01.04.2015 registered under Section 376 IPC at Police Station Mataur, S.A.S. Nagar, Mohali.

Learned counsel for the petitioner submits that both the parties were earlier married and this fact was known to both of them. Even the messages were exchanged between the parties, which clearly shows that both of them were aware about their earlier marriage. The physical relations were developed between the parties with their consent. Neither any harassment or inducement was there by the petitioner nor the complainant was compelled or pressurized to have physical relationship. Statement of the victim has also been recorded. However, out of total 17 witnesses, 06 witnesses have been examined and there is no possibility that the petitioner may influence the material witnesses.

Learned counsel for the respondent-State has neither disputed the stage of trial nor the factum regarding custody of the petitioner and earlier marriage of the parties.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR.

On perusal of messages placed on record, it appears that the complainant was well aware about the earlier marriage of the petitioner and stage of the divorce petition. Both the parties are major and it cannot be said at this stage that the complainant was not aware about the factum of earlier marriage of the petitioner and filing of the divorce petition. Although it is a matter of evidence but as far as the petition for grant of regular bail to the petitioner is concerned, the statement of the victim has been recorded and out of total 17 witnesses, six witnesses have already been examined and there is no possibility that the petitioner may influence the remaining witnesses as only the formal witnesses remain to be examined. The petitioner is in custody since 07.04.2015.

In view of the above, the present petition is allowed and the

petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

21.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE