

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

**CRM No.M-19225 of 2017
Decided on: 31.05.2017**

Surinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. D.S. Kahlon, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0028 dated 05.04.2017, for offence punishable under Sections 376-C and 506 of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Shahpurkandi, District Pathankot.

Counsel for the petitioner has submitted that the complainant, a married lady submitted an application in January, 2015 raising allegations against the petitioner that she was subject to rape. In the application, there is no reference to the date, month and year of the alleged occurrence. The present FIR has been lodged against the petitioner on the basis of earlier application and plea of the complainant is that the petitioner has failed to comply with the terms and conditions of compromise arrived at between the parties and the petitioner has been harassing her and given her beatings. It is further submitted that the petitioner has been remanded to judicial custody, therefore, no longer required for the purpose of investigation.

Counsel for the State has opposed the prayer for bail with the submission that in view of gravity of allegations, the petitioner does not deserve to be enlarged on bail.

I have heard counsel for the parties, perused the paperbook and the police records.

Be that as it may, the present FIR has been registered on the basis of earlier application filed by the complainant on 05.01.2015. The complainant has admitted that dispute between the petitioner and the complainant was settled by way of compromise. The complainant is a married lady, therefore, any medical examination of the prosecutrix at this stage would be of no consequence. The petitioner has already been remanded to judicial custody. Presentation of challan and thereafter conclusion of trial will take its own time.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial Court/Duty Magistrate. However, he shall remain bound by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

31.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No