

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

CRM-M-24308-2017 (O&M)

Date of decision : 03.10.2017

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. H.S. Grewal, Addl.AG, Punjab,
assisted by ASI Kulwinder Singh.

Mr. Gagandeep Singh, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.15 dated 12.05.2017, registered under Sections 376 and 506 of the Indian Penal Code, (for short, 'the IPC') at Police Station Ghanie Ke Banger, Distt. Gurdaspur.

Learned counsel refers to *Tilak Raj Vs. State of Himachal Pradesh (SC), 2016(1) R.C.R. (Criminal) 802*; and *Ms. Sonali Alfred Jadhav Vs. State of Maharashtra (Bombay), 2017(1) R.C.R. (Criminal) 713*, to contend that the complainant being major, was a consenting party.

On the other hand, learned counsel for the complainant states that the complainant is still ready and willing to marry the petitioner.

Heard.

The question whether the prosecutrix was a consenting party or not, can be determined by leading cogent evidence before the trial Court. At this stage, the Court is not inclined to go into the same.

Therefore, keeping in view the seriousness of the offence alleged, this Court feels that it is a fit case where custodial interrogation of the petitioner would be necessary.

In view of the above, the instant petition is hereby dismissed.

Dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion of the Court, on the merits of the case.

03.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No