

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

CRM M-45142 of 2017.

Date of Decision: 04.12.2017.

Shishpal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Lal Singh Sandhu, Advocate,
for the petitioner.

Ms. Anju Arora, Addl. AG Punjab
assisted by HC Amrik Singh.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C seeking bail in case FIR No.69 dated 09.04.2017 registered under Sections 363, 366, 376 and 120-B IPC at Police Station Patran, District Patiala.

Learned counsel for the petitioner contends that the the petitioner has been falsely implicated in the present case. In fact, the prosecutrix was a consenting party. Learned counsel has handed over a copy of the affidavit furnished by the complainant, which is taken on record as Mark-A, wherein she has admitted that she was a consenting party to the sexual intercourse. They had been residing as husband and wife in Delhi for the last three years. It is further contended that the petitioner is in custody since 14.04.2017.

On the other hand, the learned State counsel opposes

the bail application. However, the learned State counsel has admitted

the factum of affidavit having been executed by the complainant.

Heard.

Considering the affidavit executed by the complainant wherein she has admitted that she was a consenting party to the act, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.12.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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