

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

Sunil
2018.04.24 16:32
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CRM-M-11518-2018 (O&M).

Date of Decision: 23.04.2018

GURPREET SINGH

..Petitioner(s)

Versus

STATE OF PUNJAB

..Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Nikhar Baranwal, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.199 dated 10.11.2016, registered under Sections 376, 506 IPC, Police Station Daba, Ludhiana, District Ludhiana.

Counsel for the petitioner contends that the petitioner is in custody since 12.01.2018. Counsel further urges that the complainant was married prior to 2003 and has two children and her husband had died in 2003 and allegations have been made that there was a promise of marriage and the complainant says that afterwards she came to know that the petitioner was already married. Counsel further submits that both the parties are adults and it was consensual and investigation is over and challan has been presented and charge has also been framed.

Counsel for the petitioner has also pointed out that a compromise (Annexure P-2) was effected on 09.01.2017.

The FIR was lodged in November 2016. Subsequently it appears that no action was taken on account of the compromise presented to the police. The police later on arrested the petitioner and he is in custody since January 2018.

Complainant is married and has two children. Her husband died in 2003. The allegations are that there was promise of marriage. It will have to be ascertained by the trial Court if the case would fall under Section 376 IPC.

The trial would take time. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

23.04.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No