

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

Criminal Misc. No.M-35792-2017

Date of Decision: May 02, 2018.

SANJEEV KUMAR

..... PETITIONER

Versus

STATE OF PUNJAB AND ANR.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prashant Vasisth, Advocate,
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

None for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner seeks the concession of bail pending trial in FIR No.91 dated 02.05.2017, under Sections 376/120B/506 IPC registered at Police Station Division No. 7, Ludhiana City.

As per the allegations in the FIR, the complainant aged 22 years stated that she had friendly relations with the petitioner for the last 6 to 7 months prior to the alleged incident. The petitioner allured the complainant with false promise of marriage and physical relations were established. However, the petitioner refused to get married to her. Therefore, the present FIR was lodged.

Learned counsel for the petitioner vehemently argues that the

petitioner has been falsely implicated in this case. The complainant and the petitioner admittedly had friendly relations and were well known to each other. Relationship, if any between the parties is clearly consensual and no offence punishable under Sections 376 and 506 IPC is made out. Moreover, the petitioner has always been ready and willing to marry the complainant. It is the complainant who has refused to marry the petitioner. It is submitted that the petitioner did not misuse the concession of interim bail, afforded to him by this Court. He surrendered before the jail authorities on 17.03.2018 in compliance of order dated 16.03.2018 in this case. Therefore, it is prayed that this petition be allowed.

It is noticed that the petitioner was afforded interim bail by this Court as the complainant, duly identified by ASI Jagtar Singh, stated before this Court on 20.11.2017 that she intends to get married with the petitioner. However, respondent No. 2-complainant appeared before this Court on 16.03.2018 and stated that though she earlier intended to marry the petitioner but due to certain intervening events she now had deep reservation in getting married with the petitioner.

The petitioner was directed to surrender before the jail authorities, which he did on 17.03.2018. Learned counsel for the State verifies the same. Petitioner, aged 22 years, is not reported to be involved in any other criminal case. Final report under Section 173 Cr. P.C. has since been presented.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without

commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

02.05.2018
jyoti-3

[LISA GILL]
Judge

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