

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-41019 of 2018
Date of Decision: 21.9.2018

Ramakant NadaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S.Dhaliwal, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Swapanh Shorey, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 34 dated 7.4.2018 registered at Police Station Majitha, District Amritsar under Sections 376, 420, 506 IPC and Section 3(1)(X) of SC/ST Act.

Counsel for the petitioner contends that petitioner is in custody since 3.5.2018 and challan has been presented and the case is fixed for framing of charge. The counsel refers to the FIR and urges that the complainant was in a relationship with the petitioner since 2011 and the allegations are that the petitioner had refused to marry her and rape had been committed on a false promise of marriage. It was stated that the complainant is 28 years old. The counsel further submits that FSL report has not been received yet.

The bail application is opposed by the complainant side and the counsel refers to *Sachin Tukaram Muneshwar versus The State of*

Maharashtra, through PSO P.S. Wadgaon Road, Dist. Yavatmal 2015(31) RCR (Criminal) 79 and CRM No. 5519 of 2007 reported in 2007(18) RCR (Criminal) 800.

Two judgments referred to by the complainant would not be applicable as it was a case where the accused had applied for anticipatory bail.

The allegations against the petitioner are of making a false promise of marriage and then having physical relations. It was for the trial Court to examine whether in the given facts it would constitute rape. The FSL report has still not been received. The trial would take time.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate with the condition that he would not contact the prosecutrix nor tamper with evidence in any manner. Similarly the complainant would not approach the petitioner.

**(ANITA CHAUDHRY)
JUDGE**

September 21, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No