

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

**Criminal Misc. No.M-47618 of 2017(O&M)
Date of Decision: April 17, 2018.**

Pawan Singh Rawat

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.D.S.Sukhija, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.421 dated 26.12.2016, under Sections 376, 313, 406, 506 IPC, registered at Police Station Zirakpur, District SAS Nagar (Mohali).

It is submitted that the petitioner has been falsely implicated in this case. Learned counsel for the petitioner argues that a bare perusal of the FIR reveals that the relationship, if any, between the petitioner and the complainant was entirely consensual. There is no element of force involved therein. The complainant, it is submitted is admittedly major and a mature person. It is admitted by the complainant that she out of her own accord stayed with the petitioner at a hotel. The complainant herself stated that she developed friendly relations with the petitioner in the year 2013. Thereafter, she stayed with the petitioner at a hotel at Baltana on the intervening night of 31.12.2015 and 01.01.2016. Complaint in this regard was submitted by her in December 2015

before the Police at Mumbai. The same was ultimately transferred to SAS Nagar (Mohali) and the present FIR was registered on 26.12.2016. It is stated that they stayed at hotel for about eight days. It is vehemently argued that there is no evidence whatsoever regarding the alleged pregnancy or of handing over of any money by her to the petitioner. Moreover, the complainant, it is submitted has since testified before the learned trial Court on 11.04.2018. Learned counsel for the petitioner further submits that the testimony of the complainant is riddled with the material discrepancies and perusal of the same does not reveal commission of any offence by the petitioner. It is thus prayed that this petition be allowed.

Certified copy of statement of the prosecutrix filed in Court today, is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the victim/complainant in this case, admittedly a major has since testified before the learned trial Court. It is verified on instructions from HC Sukhwinder Singh that only one prosecution witness out of 22 prosecution witnesses has been examined. The petitioner has been in custody since February 2017 and is not reported to be involved involved in any other criminal case.

Needless to say, the evidence on record shall be considered by the learned trial Court, at the appropriate stage. No opinion is being expressed in respect to the discrepancies etc. sought to be pointed out by learned counsel for the petitioner.

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. Trial in this case is not likely to

conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Pawan Singh Rawat, 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.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him.

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.

17.04.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.