

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-51175 of 2018 (O&M)
Date of decision : November 27, 2018

Kuldeep Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Parminder Singh-I, Advocate, for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against the petitioner-accused Kuldeep Singh in this case got registered by way of FIR No. 212 dated 11.8.2018, under Sections 376, 506 IPC, registered at Police Station Raman, District Bathinda, have been levelled by the prosecutrix, a girl aged around 20 years. As per her own allegations contained in the FIR, she was in a relationship with the petitioner for the last more than three years and that the accused on the pretext of marriage had been forcing her into physical relationship and when he backed out of the same, the present case was got registered leading to the arrest of the petitioner on 12.8.2018.

Mr. Parminder Singh-I, counsel for the petitioner inter-alia contends that it was a consensual relationship whereby the petitioner on her

own volunteered into this and has sought to place reliance on Annexure P/1, declaration of the girl to this effect that she does not object to allowing the bail to the petitioner arguing further that the petitioner is behind the bars since a long time.

Learned State counsel on instructions from ASI Rajwinder Singh, Police Station Raman, District Bathinda has sought to oppose the grant of bail on the grounds that the petitioner has on false pretence ravished the prosecutrix and the challan against the petitioner has been submitted and if allowed bail he would influence the witnesses and in view of heinousness of crime and seriousness of allegations disentitles to any relief.

Appreciating the submissions of the two sides, the prosecutrix is a grown up girl aged around 20 years. As per her own self declaration letter Annexure P/1 placed on record by counsel for the petitioner, she has levelled the insinuation against the police for obtaining her signatures on blank papers together with the fact that she has given no objection in allowing bail to the petitioner. The petitioner is behind the bars since almost three months and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail and culpability if any shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bathinda.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

November 27, 2018

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No