

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

CRM-M No.9669 of 2018

Date of decision: 6th December, 2018

Sunil Kumar @ Sam

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dharam Pal, Advocate for
Mr. H.K. Brinda, Advocate for the petitioner.

Mr. Saurabh Khurana, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sunil Kumar alias Sam in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.33 dated 02.02.2018 under Section 376 IPC pertaining to Police Station City Rupnagar, have been levelled by a divorcee female aged around 38 years having a grown-up kid aged around 17 years. In her allegations she alleged that more than 2 years ago she came in contact with the petitioner and both of them dwelled physical intimacy, alleging that the petitioner had promised to marry her but thereafter backed out of it and from the loins of the petitioner she has given birth to a child, leading to registration of the present case.

Learned counsel representing the petitioner Mr. Dharam Pal, Advocate inter alia contends that the complainant is a grown-up lady and

fully aware of her relationship with the petitioner over a long period of time, from which she claims to have given birth to a child and that it is subsequent at a belated stage when her dreams could not be realized to marry the petitioner, present case has been falsely registered. It is further contended that the complainant is a habitual offender and a similar complaint was filed by her against Tejinder Singh alias Tinka (Annexure P5) which was found to be false.

Learned State counsel Mr. Saurabh Khurana, Dy. Advocate General, Punjab on instructions from ASI Angrej Singh, Police Station City Ropar has opposed grant of bail on the grounds of heinousness of the offence and seriousness of allegations arguing that custodial interrogation of the petitioner is very much essential.

Going through the submissions of the two sides, admittedly as per the own stand of the complainant, she is a divorcee aged around 38 years and the petitioner is aged around 36 years. Both of them are admitted to be in a relationship for more than two years and as a consequence of which she is alleged to have delivered a child. The contentions of learned counsel for the petitioner, who has sought to place reliance on Annexures P3, P4 and P5 to hammer home the point that she is trying to fleece the petitioner as earlier she has fleeced one Tejinder Singh alias Tinka on similar pretext and allegations, thus, a debatable issue having been arisen over the veracity of her allegations.

In view of what has been stated above and in the light of orders passed earlier, the interim bail granted to the petitioner vide order dated 08.03.2018 is made absolute on the same terms and conditions till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 6, 2018

rps

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