

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

CRM-M No.55539 of 2018 (O&M)
Date of decision: 19th December, 2018

Simranjit Singh @ Seema

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Pankaj Bali, Advocate for the petitioner.

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

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Simranjit Singh alias Seema in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.206 dated 24.07.2018 under Sections 376, 377, 323, 506, 420 IPC pertaining to Police Station City Sangrur, are as follows:-

Present case was got registered by the complainant, a divorcee lady aged around 30 years. In her allegations, she claims that the petitioner knew her previous husband and they happened to come to bus stand Sangrur where they met each other. On 30.07.2017, on intervention of an acquaintance, she started residing with the petitioner and on 22.02.2018 she realized that she was pregnant from loins of the petitioner, leading to registration of the present case on 24.07.2018.

Learned counsel for the petitioner Mr. Pankaj Bali contends that the complainant is a grown-up lady, a divorcee, and remained in this physical relationship for a period of almost nine months and that on account of some misunderstanding and twisting of the factual scenario has got registered this case in which the petitioner is behind bars since almost four months and seven days.

On behalf of the State, Mr. Saurabh Khurana, Deputy Advocate General, Punjab on instructions from ASI Jasvir, Police Station City Sangrur, has sought to oppose the grant of bail on the grounds that the petitioner has committed fraud and played deceit with a poor lady and in view of the heinousness of the offence and seriousness of allegations disentitles him to any relief.

Appreciating the arguments of the two sides, admittedly the complainant is a grown-up lady aged around 30 years quite mature and able to understand such relationship. It is there in her allegations that she remained in live-in relationship with the petitioner for so many months and thus, apparently a consensual relationship was there. The factum of any deceit or fraud is subject matter of evidence to be appreciated at the trial. The petitioner is behind bars since a long time and no useful purpose will be served by keeping him behind bars in the present case. Culpability, if any, shall be determined at the trial. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of

Chief Judicial Magistrate/Duty Magistrate, Sangrur. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 19, 2018

rps

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