

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

CRM-M-8354 of 2019.

Decided on:- February 28, 2019.

Sukhdev Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Nitin Rampal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.135 dated 11.08.2018 under Sections 376-D, 366, 342, 323, 328 and 506 IPC (376 IPC was added and 376-D, 366, 342, 323, 328 and 506 IPC were deleted later on) registered at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered at the behest of prosecutrix, who is married and living in the neighbourhood of the petitioner. The allegation against the petitioner is that he has kidnapped the victim while she was coming back from her parental house and had kept her at different places including relatives' places and forced her to have physical relations with him. He has argued that the

prosecutrix stayed with the petitioner for about six months and during this period, she has not raised any objection. At the most, the case is of consensual relationship. Moreover, the petitioner is in custody since 13.08.2018 and conclusion of trial will take sufficient long time.

On the other hand, learned State counsel, on instructions from ASI Amrik Singh, has argued that the allegations against the accused are quite serious in nature. Moreover, in case the petitioner is admitted on bail, he may influence the witnesses including the prosecutrix.

I have heard learned counsel for the parties.

Admittedly, the prosecutrix stayed with the petitioner for about six months and the medical report (Annexure P-3) is quite debateable particularly when she has admitted that she had regular sexual intercourse with her husband from 01.08.2018 to 06.08.2018. The FIR in question was registered on 11.08.2018 and the petitioner is in custody since 13.08.2018. The conclusion of trial will take sufficient long time. Moreover, the photographs (Annexure P-6) attached with the paper book reflect a close intimacy between the prosecutrix and the petitioner-accused.

Therefore, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

February 28, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No