

221.

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

CRM-M-10712-2019

Date of decision:13.03.2019.

RANJIT SINGH @ HAPPY

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.56 dated 14.08.2018 registered under Sections 376, 506, 450, 451 of IPC and under Section 67 of Information Technology Act at Police Station Kahnuwan, Gurdaspur.

Learned counsel for the petitioner states that the petitioner, who is about 22 years of age, is in custody since 17.08.2018, whereas the complainant-prosecutrix is of 35 years of age, having three children. At the most, the relations between them were consensual. He refers to the statement of the prosecutrix made under Section 164 Cr.P.C. and states that the petitioner and the prosecutrix were regularly in touch with each other on mobile phone and used to meet frequently. It is because of consensual relations, one can afford to enter a house at 2 O'clock in the night, for which, the prosecutrix had never raised any objection. Though she has made allegation that the petitioner entered the house after scaling the wall, but

children were sleeping in other room. Such entry in house in odd hours is possible if there was consent from the prosecutrix.

Learned State counsel, on instructions from ASI Salwinder Singh, states that considering the nature of allegation and even if the relations were consensual, the consent was not for all times to come, the petitioner is not entitled to be admitted on bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 17.08.2018 and the petitioner and the prosecutrix were known to each other for the last about 2 years and were meeting/interacting regularly, the culpability is yet to be established during trial, thus this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

13.03.2019
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.