

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-17846 of 2018
Date of Decision: March 05, 2019

Sandeep Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner Sandeep Singh in this first regular bail application under Section 439 Cr.P.C. have been levelled by the girl aged around 23 years alleging that the complainant and the petitioner came in contact with each other in the year 2015 and developed intimacy resulting into physical relations and in between due to some misunderstanding the parties have effected a settlement on 06.08.2015 and, thereafter, in the year 2017, the prosecutrix raised same allegations against the petitioner leading to the registration of the present case on 12.05.2017, in which, the prosecutrix has alleged that

the petitioner on the allurements of marriage had developed relations and now has refused to undergo his obligation arising out of this relationship. The petitioner was arrested on 10.05.2018.

Learned counsel for the petitioner contends that both the petitioner and the complainant are grown up persons and have been in relationship over a long period of time and in between due to misunderstanding had resolved their dispute and has placed reliance upon Annexure P/2 and there is no element of deception much less of fraud having been committed by the petitioner and the trial is not likely to be concluded in near future.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab assisted by ASI Santokh Singh, Police Station Ghanie Ke Banger, Police Station District Batala has opposed the grant of bail on the grounds of seriousness of allegations and heinousness of the offence but admit there is no medical evidence to support the allegations of rape as the girl has refused to undergo medical examination.

Appreciating the submissions from the two sides, it is the own stand of the prosecutrix that she is a major mature lady and had been in a live in relation with the petitioner for a long period of time. The petitioner is behind the bars for more than 11 months and the culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of

Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 05, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No