

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

**CRM M-10687 of 2019
Date of Decision: March 13, 2019**

Sarabjit Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Ravinder Kaur Manaise, Advocate
for the petitioner.

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

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 104 dated 29.08.2018 under Sections 376 and 342 IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur.

The allegations against petitioner/accused Sarabjit Singh have been levelled by the prosecutrix, a victim age around 20 ½ years. In her complaint, the complainant states that on 13.07.2018, she accompanied the accused/petitioner on a motor-bike and, thereafter, was taken to Mumbai, where they stayed for 3/4 days and

accused/petitioner with his 4/5 friends defiled her against her wishes leading to the registration of the present case and arrest of the petitioner on 29.08.2018.

Ms. Ravinder Kaur Manaise, learned counsel for the petitioner *interalia* contends that the prosecutrix was earlier in a relationship with the petitioner and had sought police protection from this Court and has placed reliance on order dated 31.07.2018 passed in CRM M-32192 of 2018 titled as “**Ashana and another Vs. State of Punjab and others**”, where she claims to be legally wedded wife of the petitioner and that it was on account of the fraud committed by the complainant of having materially concealed her previous two marriages one with Sandeep Mashih and second with one Thomas Mashih, the present FIR as a counter blast against the petitioner has been got registered.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab assisted by ASI Jagdish Singh though does not displace the facts brought to the notice of this Court but has opposed the grant of bail on the ground of seriousness of allegations.

Appreciating the submissions of the two sides that the petitioner is behind the bars since 29.08.2018 and the undisputed document/order dated 31.07.2018 passed by this Court in a Protection Petition (Annexure P-2) of which the very opening line is suggestive of the fact that there is matrimonial relationship of the prosecutrix with

the petitioner.

Without adverting to the merits of the case, else it might prejudice the case of the either party and keeping in view the fact that 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 13, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No