

CRM-M-13281-2019

Date of Decision : 06.05.2019

Raj Robinder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.Mr. A.S. Sandhu, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application filed by petitioner-Raj Robinder Singh under Section 438 Cr.P.C in a case bearing FIR No.11 dated 19.01.2019 filed under Sections 376/506 of the Indian Penal Code and Section 67 of the Information Technology (Amendment) Act, 2006 registered at Police Station City Moga-1, District Moga.

The allegations against the accused/petitioner, levelled by the complainant, who is an unmarried girl, aged around 21 years. In her complaint, the complainant alleges that she was the student of B.A. (Part-II) in a college at Moga and came across the accused/petitioner at a marriage ceremony and thereafter, used to talk to him on phone. The complainant

alleges that during one of those conversations, the accused/petitioner has shown inclination to enter into a wedlock with her and reposing faith in the petitioner, she often used to meet him and during the course of these meetings, they used to have physical relations and subsequently, when their relations went sour, the present case was got registered, leading that the petitioner has not only physically abused the complainant but has also sent inappropriate and obscene photographs on the internet.

Learned counsel for the petitioner *inter alia* contends that the complainant as well as the petitioner are grown up and mature persons and were in a relationship over a long period of time and that it was a consensual relationship and the petitioner is ready and willing to join the investigation.

The learned State counsel, on instructions from ASI Paramjit Singh, Police Station City Moga-1, District Moga, though does not disagree to the facts canvassed before this Court by learned counsel for the petitioner but has stoutly oppose the grant of bail in view of the heinousness of the offences and seriousness of the allegations.

Appreciating the submissions, admittedly, the petitioner as well as the complainant are major and grown up persons and were in a relationship over a long period of time, thus, a debatable issue having arisen over the applicability of these offences which is subject to judicial adjudication and the culpability, if any, shall be determined by the Trial Court.

In view of the aforesaid, the present petition is allowed.

Petitioner would appear before the Investigating Officer within 15 days from today. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off.

(FATEH DEEP SINGH)
JUDGE

06.05.2019
Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No