

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

CRM-M-14418-2019 (O&M)

Date of Decision:- 15.11.2019

Jaswinder Singh @ Gurwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S.Nagra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Pardeep Sihmar, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in case registered vide FIR No. 80 dated 16.11.2018 under Sections 376/420 IPC at Police Station Nurmehal, District Jalandhar.
2. The FIR was registered at the instance of prosecutrix wherein it has been alleged that she knew the petitioner Jaswinder Singh since the last about four years and had developed relations with him as he had given an assurance to marry her. However, now when she asked him to marry her, he flatly refused for the same. It is alleged that when she made a complaint to the police, he was called to the police station where he offered to pay an amount of ₹ 50,000/- to her but she did not accept the same. It is further alleged that she was carrying pregnancy since the last 2 months and thus prayed that action be taken against the petitioner.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if the allegations are taken to be correct still the same would only reveal that it is a case where the prosecutrix had been having consensual physical relations with the petitioner.
4. It has further been submitted that although pursuant to order dated 4.10.2019, the parties had appeared before the Mediation and Conciliation Centre wherein a compromise had been effected between the parties which was duly signed by the prosecutrix as well as by her sister but the prosecutrix has now resiled from the compromise in order to pressurize the petitioner to extort money from him.
5. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner is specifically named in the FIR and had established physical relations while holding out a false promise of marriage, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. Bearing in mind the nature of allegations that the complainant, in the present case, is a major and had voluntarily chosen to establish physical relations with the petitioner and infact had been maintaining such relations for about four years, it will certainly be debatable as to whether the said relations were established by the petitioner while holding out some kind of false promise or deception or not. In any case, since the petitioner has been behind bars since the last more than 10 months, further detention of the petitioner will not serve any useful purpose.

8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.11.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No