

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M 14060 of 2019 (O&M)
Date of Decision: May 13, 2019

Harwinder Singh @ Hero

.....Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Satvir Singh, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner Harwinder Singh @ Hero in this first anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 7 dated 31.01.2019 under Sections 376 and 506 IPC, Police Station Ghanie Ke. Bangar, Police District Batala, District Gurdaspur have been levelled by a married lady aged around 23 years.

As per the allegations made, on 31.01.2019 that her

husband was employed abroad and she was living alongwith two minor sons at the house and during the intervening night a 1 ½ month ago prior to the registration of the present case, while she was working in the house, the accused/petitioner who belongs to her village trespassed into the house and after bolting the door from inside defiled her against her wishes leading to the registration of the present case.

Mr. A.S. Manaise, learned counsel for the petitioner interalia contends that the complainant is a grown up married lady and it was a consensual relationship and on account of some misunderstanding, the present case has been got registered and has placed on record the affidavit of the complainant to this effect.

Mr. Saurav Khurana, DAG, Punjab assisted by Mr. Satbir Singh, learned counsel for the complainant does not displace the facts brought to the notice of this Court by the learned counsel for the petitioner and the complainant who has been identified by her counsel has stated before this Court that she has given her affidavit voluntarily on her own and has no objection if the petitioner is allowed bail. Though, on behalf of the State, Mr. Saurav Khurana, DAG, Punjab has opposed the grant of bail on the grounds of serious of allegations and that the custodial interrogation is very much essential.

Appreciating the submissions of two sides and in the light of the stand of the complainant, without feeling the necessity to further advert on the merits of the case, it would be suffice if the petition joins the investigation and in the event of arrest, the petitioner be released

on interim bail to the satisfaction of arresting/Investigating Officer.
The petitioner shall, however, join the investigation as and when called for to do so and he shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed off.

May 13, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No