

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

CRM-M No.15974 of 2019
Date of decision: 12th April, 2019

Harpreet Singh @ Gurpial Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. Saurav Khurana, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Harpreet Singh alias Gurpial Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.58 dated 01.09.2018 under Sections 376, 34, 387, 420, 506 IPC pertaining to Police Station Dhilwan, District Kapurthala, have been levelled by the complainant, an aged lady of 42 years. In her allegations, she claims that she was living as a tenant in a house at Raipur Araiyan and during the course of time, accused who happens to be the son-in-law of the landlord entered into a relationship with her and had been fleecing money from her on various pretexts and during the course of this relationship she claims that the accused had been defiling her on various pretexts. It is subsequently on her statement

the present case was got registered and the petitioner was arrested on 25.12.2018.

Learned counsel for the petitioner Mr. Vivek Thakur, Advocate inter alia contends that the complainant is a grown up mature lady and has volunteered into this consensual relationship over a period of four years and it was after the relations went sour, the present case has been got registered on fabricated and false grounds. Arguing further that the petitioner is behind bars since a long time.

On behalf of the State, Mr. Saurav Khurana, Dy. Advocate General, Punjab on instructions from ASI Balvir Singh, Police Station Dhilwan, District Kapurthala has not disagreed with the facts brought to the notice of this Court but has sought to oppose the grant of relief to the petitioner on the grounds of heinousness of the offence.

Appreciating the submissions of the two sides, the admitted stand of the State that the complainant is a grown up mature lady and had volunteered into this relationship over a long period of time, thus a debatable issue arises over the very allegations of rape. The petitioner is behind bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he

is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 12, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No