

225.

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

CRM-M-18354-2019

Date of decision:30.04.2019

DALVIR SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Karanvir Singh Khehar, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.103 dated 02.07.2018 registered under Sections 376 and 506 of IPC at Police Station Machhiwara, District Ludhiana.

Counsel for the petitioner has argued that the aforesaid FIR was registered not only against the petitioner but his parents as well. In fact the petitioner and the complainant have been residing together and were in live-in relations, which is clear from Annexure P-4 wherein they have been shown as tenants of House No.1326, Phase 5, Mohali and various photographs (Annexure P-5). Moreover, the petitioner has come in the contact of the complainant on 07.05.2016, whereas the FIR in question has been registered on 02.07.2018 i.e. after more than 2 years. He has argued that though the petitioner is still ready to marry the complainant, but

moveable/immovable properties, the complainant is not inclined to accept the offer of the petitioner to marry. During the investigation, the police has found anything on record from where it can be established that the petitioner has committed forcible rape upon the complainant against her consent. Physical relations, if any, were established with the consent of the complainant.

Learned State counsel, on instructions from ASI Mohan Lal, states that the petitioner has fraudulently established physical relations with the complainant on the pretext of solemnizing marriage with her and had been blackmailing her on the ground that he has prepared some videography of the complainant. In case complainant will disclose this fact, the petitioner will make the videography public.

I have heard learned counsel for the parties.

The various documents so attached with the paper book does reflect that the petitioner and the complainant have been staying together for a quite long time. Challan has been presented in the case. The argument of the learned State counsel that the petitioner has prepared videography on his mobile phone with regard to physical relations, cannot be appreciated at this stage, as in challan, no such videography has been attached. The photographs as attached with the petition gives a clear impression that the parties are in live-in relation since long.

The petitioner is in custody since 16.10.2018 and the trial in the case will take sufficient long time. Therefore, this Court deems it appropriate to admit the petitioner on bail during the pendency of trial.

Accordingly, the present petition is allowed and the petitioner is

the satisfaction of trial Court.

It is made clear that the petitioner shall not influence or threat the witnesses directly or indirectly and in case, it is found that he is extending threat or try to influence them in any manner, the prosecution shall be at liberty to seek cancellation of his bail

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

30.04.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No