

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-18673 of 2019

Date of Decision: July 09, 2019

Jaswant Singh @ Kala

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vikas Singh, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

FATEH DEEP SINGH, J. (Oral)

The allegations in this first anticipatory bail application moved before this Court by accused/petitioner Jaswant Singh @ Kala have been levelled by a married lady aged around 29 years with two kids alleging that she was married in the year 2016 with Manpreet Singh @ Manna and at that time she was in a relationship with the present petitioner, who happens to be the younger brother of her husband and during this period of physical relationship, which they carried on till the registration of the FIR, it is alleged that on 14.02.2019 at 10.00 a.m., in the morning, the accused trespassed into the house while she was all alone and defiled her against her wishes leading to the registration of the present case.

Learned counsel for the petitioner inter-alia contends that

the prosecutrix happens to be a grown up mature married lady with kids and volunteered into this relationship and when the same has gone sour, the present case has been got registered on account of legal notice having been served by the counsel with whom the petitioner is working as clerk upon the husband of the prosecutrix.

Mr. H.S. Grewal, Addl. A.G., Punjab on instructions from HC Chamkaur Singh has conceded to the facts that have been brought to the notice of the Court by the counsel for the petitioner but has opposed the grant of the bail on account of the seriousness of the offence.

Going through the submissions admittedly as is there in the own stand of the prosecutrix in the FIR that she was married having two kids and had been in a relationship with the petitioner and it is at a belated stage, the present allegations have come about and, thus, the applicability of offence under Section 376 IPC is a debatable issue, which is to be determined at the time of final trial of the case.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, 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 abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on

regular bail upon presentation of challan.

Disposed off.

July 09, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No