

CRM-M-20333-2019

Date of Decision : 10.07.2019

Deepak Pathania

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Amrik Singh, Advocate
for the petitioner.Mr. H.S. Grewal, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Ms. Kiranjeet Kaur, Advocate for Mr. Ravinder Malik, Advocate puts in appearance on behalf of the complainant and filed memorandum of appearance which is taken on record.

This order shall dispose off first anticipatory bail application filed by petitioner-Deepak Pathania under Section 438 Cr.P.C in a case bearing FIR No.41 dated 23.03.2019 filed under Sections 376 and 420 of the Indian Penal Code registered at Police Station Phase-XI, SAS Nagar, Mohali.

The allegations have been levelled by an unmarried colleague of the petitioner, aged above 31 years, alleging that while working together, they came in contact with each other and on the pretext of undergoing marriage, the petitioner has been defiling her, against her wishes and now, has abandoned her leading to the registration of the present FIR.

Learned counsel for the petitioner contends that the complainant happens to be a grown up mature lady and had been in this relationship for a long period of time being a colleague of the petitioner and had volunteered into this relationship and that nothing is to be recovered and so, assail the possibility of the allegation of rape.

On instructions from ASI Nirmal Singh, Police Station Phase-XI, SAS Nagar, Mohali, the learned State counsel, assisted by Ms. Kiranjeet Kaur, Advocate for the complainant, have not displaced the facts and the allegations that have come about in the arguments of learned counsel for the petitioner but have opposed the grant of bail in light of the allegations and seriousness of the same.

Going through the submissions, admittedly, the complainant happens to be a mature lady, a colleague of the petitioner and had been in a relationship for a long period of time. Thus, the very question of culpability of offence under Section 376 of the Indian Penal Code is a debatable issue, which can only be adjudicated at the time of trial.

In light of this arrangement, the present petition is allowed. Petitioner-Deepak Pathania would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations.

On his doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

10.07.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No