

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-21093 of 2019

Date of Decision: May 14, 2019

Manoj Kumar

.....Petitioner

Versus

State of U.T.

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. V.P. Sangwan, Advocate
for the petitioner.

Ms. Ashima Mor, Addl. P.P. Chandigarh.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 91 dated 30.03.2019 under Section 376 IPC, Police Station Industrial Area, District Chandigarh.

The brief allegations have been levelled by a widow aged around 45 years. The complainant had alleged that after the death of her husband, the petitioner and the complainant entered into a relationship, wherein, the petitioner had shown his inclination to enter into a wedlock with the complainant and, thus, the couple had been

moving about and complainant claims that under this guise, the petitioner had been physically abusing her throughout this period and when he refused to marry her, the present case was got registered.

Mr. Manjit Singh, learned counsel for the petitioner contends that the complainant as well as the petitioner are grown up mature persons and the own stand of the complainant shows that they were in a consensual relationship for a period of 2 years and upward and that the petitioner is behind the bars since a long time.

Ms. Ashima Mor, learned PP for the State on assistance of SI Sukwinder though does not dispute the facts brought to the notice by the learned counsel for the petitioner but has opposed the grant of relief on the ground of heinousness of the offence.

Going through the submissions of the two sides, admittedly, as per the own stand of the complainant that she is grown up mature widowed lady and was in a relationship for more than 4 years with the petitioner, thus, a debatable issue arises over the very allegations of rape and which can only be adjudicated at the time of the trial and that no useful purpose will be served by keeping the petitioner behind the bars and the trial is not likely to be concluded in the near future, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

May 14, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No