

CRM-M-22318-2019

Date of Decision : 27.05.2019

Baljinder Singh @ Billa

.....Petitioner

versus

State of Punjab

....Respondent

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

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.04 dated 12.01.2019 filed under Sections 376/354-A/506/511/120-B of the Indian Penal Code registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

The allegations against the accused/petitioner-Baljinder Singh @ Billa, have been levelled by the prosecutrix, who is a married lady, aged around 35 years. In her complaint, the complainant alleged that the petitioner, who happens to be from village Veela Teja, entered into a

physical relationship with her and continued so, for a period of 04 years. It is further alleged that the petitioner, thereafter, tried to blackmail the complainant with threat that he will circulate her objectionable photos, in case, she breaks up this relationship, leading to the registration of the present FIR and the arrest of the petitioner on 13.01.2019.

Learned counsel for the petitioner *inter alia* contends that both the complainant as well as the petitioner are grown up married persons and were in a consensual relationship for a period of more than 04 years and that when the relations have gone sour, the present case has been falsely got registered and there is no medical evidence to support the case.

On behalf of the State, the learned State counsel, on instructions from ASI Varinder Singh, Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur does not displace the facts that have been brought to the notice of this Court by learned counsel for the petitioner but has sought to oppose the grant of bail on the grounds of heinousness of the offences.

Going through the submissions of the two sides, it is the own stand of the complainant that the complainant is a grown up lady aged around 35 years and thus, mature enough to understand the implications of such an extra-marital affair. The complainant admits that she was in this relationship for about 04 years and thus, a debatable issue arises over the applicability of Section 376 of the Indian Penal Code, which can only be adjudicated at the time of trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody.

Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

27.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No