

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

CRM-M No.23288 of 2019

Date of decision: 1st November, 2019

Captain Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jitender S. Dadwal, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Manjot S. Tiwana, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Captain Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.92 dated 30.10.2018 under Section 376 IPC pertaining to Police Station Sadar Batala, District Gurdaspur, have been levelled by an unmarried girl aged around 18 ½ years. It is alleged that her mother was bed-ridden and the accused petitioner, who is from neighbourhood, used to visit their house and was running a grocery store in the village. The complainant alleges that 5-6 months prior to the registration of the present case which is on 30.10.2018, when she had gone to buy grocery from the store of the petitioner he under threat and coercion forced her

into his house at the back of the store and defiled her against her wishes leading to registration of the present case.

Learned counsel for the petitioner Mr. Jitender Singh Dadwal, Advocate inter alia contends that the prosecutrix happens to be a major girl and who was in a consensual relationship, and the petitioner has been falsely implicated and to support his contentions, has sought to place reliance on the duly sworn attested affidavit of the complainant.

On behalf of the State, Mr. Pawan Sharda, Sr. Deputy Advocate General, Punjab on instructions from SI Balraj Singh, though does not displace the facts brought to the notice of this Court but has sought to stoutly oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations.

Appreciating the arguments of the two sides, admittedly the prosecutrix happens to be a major above 18 years of age at the time of occurrence. The girl has appeared before this Court and has been identified by her counsel Mr. Manjot Singh Tiwana, Advocate, and has filed duly sworn attested affidavit along with her identity proof and has also made statement before the Court that she does not oppose if the petitioner is released on bail as it was a consensual relationship. The petitioner is behind bars for more than eleven months.

In the light of what has come up before this Court and the fact that investigation and trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping

the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurdaspur. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 1, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No