

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-23376 of 2019
Date of Decision: June 06, 2019

Lalit @ Sonu

.....Petitioner

Versus

U.T. Territory, Chandigarh and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. G.C. Dhuriwala, Advocate

Mr. Rajiv Vij, APP for U.t. Chandigarh.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner/accused-Lalit @ Sonu in this first regular bail application filed in case FIR 37 of 20.02.2019 under Sections 376, 506 and 120-B IPC registered at Police Station Mauli Jagran, Chandigarh have been levelled by the complainant unmarried lady aged around 22 years. In her allegations, the complainant claims that the petitioner and the complainant, who are neighbourers were known to each other for almost 3 years and has developed physical intimacy and the petitioner on the frivolous pretext

of marriage used to violate her and, subsequently, when the complainant apprehended that he might go back from his undertaking, the present case was got registered.

Mr. G.C. Dhuriwala, Advocate, assisted by Mr. Ishawar C. Garg, Advocate, *inter alia* contends that that both the petitioner and the complainant are major and were in a relationship, admittedly, for more than 03 years and has sought to place reliance on the affidavit of the complainant exonerating the petitioner of the allegations and giving him a clean chit and prayed that since the petitioner is behind bars since 01.05.2019, he be admitted to bail.

Mr. Rajiv Vij, APP for the State assisted by ASI Raj Kumar, Police Station Mauli Jagran, Chandigarh does not dispute the facts that have been canvassed by the learned counsel for the petitioner, who has sought to oppose the grant of the bail on the grounds of seriousness of the allegations.

Going through the submissions, it is not displaced by any means that both the petitioner as well as the complainant are major and continued with this relationship for more than 03 years. The complainant, who has appeared before this Court and has orally stated that she has filed the affidavit relied upon by the petitioner side and further stated that she does not object in allowing the bail.

In the light of this stand and the fact that a debatable issue arises over the applicability of offence under Section 376 IPC, which

could be determined at the trial and in view of 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. 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.

June 06, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No