

CRM-M-26231-2019

Date of Decision : 04.07.2019

Harbans Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vivek Thakur, Advocate
for the petitioner.Mr. H.S. Grewal, Addl.A.G., Punjab
for the respondent-State.Mr. Inder Preet Singh, Advocate for
Ms. Kamna Thakur, Advocate
for the complainant.**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.80 dated 30.04.2019 filed under Sections 376 and 506 of the Indian Penal Code registered at Police Station City Jagraon, District Ludhiana Rural (Punjab).

The allegations against the accused/petitioner-Harbans Singh have been levelled by an unmarried girl aged around 22 years. In her

allegations, the complainant alleged that when she was doing IELTS course, she came in contact with the petitioner in February, 2018 and thereafter, they developed physical relations on a number of occasions at different places till 29.04.2019 and when the petitioner refused to marry the complainant, the present case was got registered.

Learned counsel for the petitioner submits that the complainant happens to be a mature grown up girl and had entered into a relationship voluntarily which continued for more than one year and that the parties has also settled their dispute and has sought to place reliance on Annexures P-1 and P-4, arguing that the petitioner is behind the bars for 02 months and that the trial is not likely to be concluded in the near future.

On instructions from HC Paramjit Singh, Police Station City Jagraon, District Ludhiana Rural (Punjab), the learned State counsel, assisted by Mr. Inder Preet Singh, Advocate for the complainant, though have conceded to the facts that have been argued at the bar by learned counsel for the petitioner but has stoutly oppose the grant of bail in view of the seriousness of the allegations.

Going through the submissions, the bare perusal of the allegations spelled out by the victim/complainant in FIR (Annexure P-2) is itself suggestive that she was a major and remained in this relationship voluntarily for almost one year together with the compromise (Annexures P-1 and P-4) 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. 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.

04.07.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No