

CRM-M-30665-2019

Date of Decision : 26.09.2019

Lachhman Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Ravish Bansal, Advocate
for the petitioner.Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Mr. Adarshpreet Singh Dhaliwal, Advocate puts in appearance of his own on behalf of the complainant and filed *vakalatnama* which is taken on record.

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.93 dated 06.10.2018 filed under Sections 376, 328 and 506 of the Indian Penal Code registered at Police Station Sadar Kotkapura, District Faridkot.

The allegations against the petitioner have come about by a married lady aged around 27-28 years. In her allegations, the complainant alleges that on 12.05.2018, after dispute with her husband, when she was going to her paternal aunt's house, the accused, who happens to be her neighbour, met her on the way and took her on the motorcycle to drop her and on the way accused offered her a glass of juice, on consuming, she became unconscious and found that till 17.05.2018, the accused had detained her and had been defiling her against her wishes.

Learned counsel for the petitioner *inter alia* contends that the complainant happens to be a grown up married lady with kids and was a vagabond and has sought to place reliance on *panchayati rajinama* (Annexure P-2) arguing that no offence has been made out and the false case has been got registered and it was more of a consensual relationship.

On instructions from ASI Sukhwinder Singh, Police Station Sadar Kotkapura, the learned State counsel, assisted by learned counsel for the complainant have opposed the grant of bail on the grounds that there are serious allegations against the petitioner and, therefore, if allowed bail, he might influence the trial.

Admittedly, the petitioner is behind the bars for more than 10 months. It is also not displaced by any of the sides that the prosecutrix happens to be a grown up married woman with kids and had alleged to have remained with the petitioner for 05 days. Thus,

in light of this, a debatable issue arises over the applicability of offence under Section 376 of the Indian Penal Code and there is nothing corroborative by way of medical evidence to establish the same. It is a fit case for grant of bail to the petitioner. 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.

26.09.2019
Neha

(FATEH DEEP SINGH)
JUDGE

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