

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28593-2019 (O&M)
Date of Decision:- 29.8.2019

Gurpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Sarwara, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Gurpreet Singh seeks grant of regular bail in a case registered vide FIR No.217, dated 10.9.2016, registered at Police Station City Rajpura, District Patiala, under Sections 376, 323, IPC.
2. The FIR was lodged at the instance of the prosecutrix aged 22 years wherein it has been alleged that she was married to one Mouji and was blessed with a boy. However, later on she divorced her husband by way of a Panchayati divorce and started living with Gurpreet Singh with whom she had come in contact as he had been following her. It is stated therein that she started residing with him at his home

like his wife although they were not married and that Gurpreet Singh's mother also knew about the same. Subsequently, Gurpreet Singh is alleged to have started beating the complainant on the asking of his mother and threw her out of the home after retaining her several articles including a gold ring, gold ear rings and testimonials. It is further alleged that on 9.9.2016 when she was present in her rented accommodation, then Gurpreet Singh came there in an inebriated state and locked the room from inside and committed rape upon her.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that in any case even as per the FIR the complainant who is a matured lady had consensual physical relations with the petitioner but later on when their relations became strained she chose to file present FIR. Learned counsel for the petitioner has further submitted that the complainant in any case has remarried with one Sahil as has been admitted by her in her statement recorded before the learned Trial Court on 14.8.2019.
4. Opposing the petition, learned State counsel has submitted that although the complainant may be having consensual physical relations with the petitioner but later on it has specifically been alleged in the FIR that the petitioner committed rape without her consent while in an inebriated state. It has further been informed that as on date 2 out of the cited 19 PWs have been examined and that the statement of prosecutrix has already been recorded.

5. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has been behind bars since the last about 4 months and that the statement of prosecutrix has already been recorded, in my opinion further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner-Gurpreet Singh be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. The petition is accepted accordingly.

August 29, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No