

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

CRM-M-33046-2019 (O&M)
Date of Decision:- 16.8.2019

Gurpartap Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shaurya Puri, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.71, dated 20.8.2018, Police Station Begowal, District Kapurthala, under Section 376 IPC and Section 67-D of the Information Technology Act.
2. The FIR was lodged at the instance of the prosecutrix wherein it has been alleged that she has been married to one Varinder Singh with whom she was having strained matrimonial relations. It is alleged that during the said period she came in contact with the petitioner

who claimed himself to be self styled godman. The petitioner represented himself to be a healer and represented that he could resolve all the problems with black magic. The complainant started visiting the accused and during the course of her visits the petitioner is alleged to have taken her mobile phone on the pretext of purifying it and had transferred the entire data from the complainant's mobile to his own mobile without her permission. It is alleged that the accused committed rape upon her and prepared indecent video and circulated the said video showing complainant in compromising position.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the prosecutrix is a matured lady aged 36 years and that she was on good terms with the petitioner and had been visiting the petitioner and his family on various occasions and had also participated in the marriage functions in respect of petitioner's relatives. It has further been submitted that in fact the prosecutrix became close and had consensual physical relationship and it was subsequently when there were some differences amongst them that the prosecutrix lodged the present FIR.
4. Opposing the petition, learned State counsel has submitted that since there are specific and categoric allegations against the petitioner, no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last more than 9 months and that till date 4 out of the cited 20 PWs have been examined and that the statement of prosecutrix also stands recorded.

5. Without commenting anything on the merits of the case and while noticing that the petitioner has been behind bars since the last more than 9 months and that conclusion of trial is likely to consume time as only 4 out of the cited 20 PWs have been examined, to my mind no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner Gurpartap Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. The present petition stands accepted accordingly

August 16, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No