

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-32824-2019

Date of decision:16.9.2019

ONKAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by Sarabjeet Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.56 dated 20.5.2018 under Sections 366, 376 of Indian Penal Code registered at Police Station Sirhali, District Tarn Taran.
2. The FIR was lodged at the instance of prosecutrix wherein it has been alleged that the petitioner who is resident of her village used to approach her whenever she used to go to school and also proposed to marry her. It is alleged that he enticed her in this manner and on one day while she left her house along with him after scaling wall of the house and thereafter the petitioner/accused took her to various Gurudwaras and also established physical relations with her against her consent. It is alleged that later she got herself freed from his clutches and disclosed that incident to her father.

3. Learned counsel for the petitioner has submitted that in the present case, the prosecutrix as well as the petitioner were major at the time of alleged incident and that she had accompanied the petitioner out of her own free will & consent and had visited various places as has been stated in the FIR itself. It is further been submitted that in any case as of now, the petitioner has been behind bars since last 1 year and as many as 6 PWs including prosecutrix have already been examined.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR, no case for grant of bail is made out.
5. Having considered rival contentions addressed before this Court and keeping in view the fact that the prosecutrix is a major and also while noticing the custody period, further detention of the petitioner would not serve any useful purpose as till date only 6 PWs out of cited 15 PWs have been examined. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

16.9.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**