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

CRM-M-35704-2019 (O&M)
Date of Decision:-3.9.2019

Ravinder Singh … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sonpreet Singh Brar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

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GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.19 dated 28.4.2019 at Police Station Nandgarh, District Bathinda under Sections 376 and 506 of Indian Penal Code.

2. The FIR was lodged at the instance of Manjit Kaur wife of Pirthi Singh, aged 29 years, wherein she has stated that she used to work as a dancer in 'Maan Orchestra Group'. The petitioner Ravinder Singh upon seeing her performance one day came to her house with an offer to give more work and started seeing her. It is stated that they started having physical relations with each other which were without her consent. It is further stated that later she came to know that the petitioner had been clicking her obscene photographs. It is alleged that subsequently the petitioner forced her to have

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physical relations with him while threatening to make the obscene photographs viral in case she refused to do so. It is further alleged that on 28.4.2019, the petitioner Ravinder Singh came to her house on his motorcycle and took her towards Nandgarh where she was taken to fields and the petitioner committed rape upon her and later dropped her on the main road.

3. The learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, it is apparent that it is in fact a case of consensual physical relations between the complainant and the petitioner and that the complainant subsequently seems to have turned around and has lodged the present FIR by cooking up allegations falsely.

4. Opposing the petition, the learned State counsel has submitted that in view of the categoric allegations in the FIR to the effect that the petitioner had raped the complainant, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about four months and that the challan has already been filed.

5. Having regard to the facts and circumstances of the case, it would certainly be debatable as to whether it is a case of consensual physical relations amongst the parties or as to whether the same would amount to rape. In any case, since challan has already been presented and the petitioner has been behind bars since the last about four months, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner Ravinder Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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6. The present petition stands accepted accordingly.

3.9.2019 **(Gurvinder Singh Gill)**
pankaj **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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