

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

CRM-M-36768-2019

Date of decision: 7.11.2019

VARINDER SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Surinderpal, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.45 dated 5.4.2019 under Sections 376, 366, 506 of Indian Penal Code, 1860 registered at Police Station Kotwali, District Bathinda.
2. The FIR in the present case was lodged at the instance of victim aged 22 years wherein it is alleged that she came in contact with Varinder Sharma as Varinder Sharma had been residing in Singapore with the sister-in-law of the victim. Subsequently, when Varinder Sharma returned from Singapore, he contacted the victim and threatened the victim that he had some 'WhatsApp' photographs of the victim and that in case the same are made viral, it would be shameful for the victim and thus pressurized the

victim to marry him. It is alleged that on 21.5.2018, the petitioner took her to Bathinda where she was offered tea, which was laced with some drug and upon consuming the same, she fell unconscious. Upon regaining consciousness, she found that she had been physically abused by the petitioner. It is further alleged that subsequently after a few months, the petitioner again called her to Sirsa and took her to a room in a hotel and while showing a pistol like weapon he raped her. It is further alleged that thereafter, the petitioner got her marriage forcibly solemnized with one Rajinder Singh.

3. Learned counsel for the petitioner has submitted that the petitioner is matured lady aged about 22 years and in fact she had solemnized marriage with Rajinder Singh out of her free will. Learned counsel in this regard has drawn attention of this Court to some of the photographs annexed with this petition as Annexure P-4 showing marriage of a couple. Learned counsel has also referred to victim's marriage certificate, annexed as Annexure P-5. Learned counsel has further submitted that pursuant to solemnization of marriage of the victim with Rajinder Singh, they had approached the Sessions Court, Sirsa seeking protection wherein apart from impleading the parents of the girl, the present petitioner was also impleaded as respondent. Learned counsel has submitted that it is thus apparent that the victim had married Rajinder Singh out of her own accord and that all the allegations have been levelled falsely against the petitioners.
4. Opposing the petition, learned State Counsel has submitted that the victim was forced to solemnize marriage as would be evident from the fact that

marriage is virtually broken and is at the verge of getting dissolved. It has however been informed that the petitioner has been behind bars since 6.4.2019 and although charges have already been framed but not even a single PW out of cited 24 PWs have been examined.

5. Having considered rival contentions addressed before this Court and while refraining from expressing any opinion as regards veracity of the allegations and while also bearing in mind that the petitioner has been behind bars for the last more than 7 months and till date not even a single PW out of cited 24 PWs have been examined, further detention of the petitioner would not serve any purpose as conclusion of trial, in its normal course, is likely to take some time. 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

7.11.2019
Gaurav Sorot

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

Whether reportable? **Yes / No**