

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

CRM-M-39335-2019

Date of decision:19.9.2019

SHIVAM SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Garg, 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.49 dated 23.4.2019 under Sections 376, 342, 506 of Indian Penal Code, registered at Police Station City-2, District Mansa.
2. The FIR was registered at the instance of Kiran Gautam aged about 20 years wherein it has been alleged that she was working in a Thread Mill in Himachal Pradesh where Shivam Sharma was also working along with her and they were known to each other. It is alleged that said Shivam Sharma enticed her and took her to Mansa where he kept her in a rented accommodation and used to commit rape upon her everyday. It is further alleged that he also threatened her with dire consequences in case she

disclosed about the same to anybody else.

3. Learned counsel for the petitioner submitted that FIR has been lodged under some misunderstanding and that prosecutrix in her statement recorded under Section 164 Cr.P.C. has given a clean chit to the petitioner.
4. Opposing the petition, learned State counsel has submitted that since specific allegations are levelled in the FIR against the petitioner, no case for grant of bail is made out.
5. Having considered rival contentions addressed before this Court and while keeping in view the fact that prosecutrix is a major and in her statement recorded under Section 164 Cr.P.C. she has categorically stated that she had some tiff with her husband whose name is referred to as Shivam Sharma (petitioner) and due to that reason FIR came to be registered and now she is not interested in pursuing the FIR and wishes to reside with him and also in view the fact that challan has already been presented, no fruitful purpose would be served by further detaining the petitioner behind bars. 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

19.9.2019
Gaurav Sorot

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

Whether reportable? **Yes / No**

