

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-40567 of 2019 (O&M)
Date of decision : December 10, 2019

Taranjit Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jagdish Manchanda, Advocate, for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab for the State with
ASI Prithvi Raj Singh, PS Sirhind

Mr. Balwinder Singh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The complainant a married lady with kids aged around 30 years happens to be an acquaintance of the accused-petitioner Taranjit Singh alias Tanni. It is alleged that in May, 2016 a criminal case was got registered against the husband of the complainant for which the family of the complainant was seeking help of the petitioner. It was during the course of the same when the complainant visited the house of the petitioner on 28.5.2016, the

accused who was alone in the house at that time violated the complainant under threat. The accused threatened the complainant that in case she discloses to any one she will face dire consequences. The complainant claims that because of the threat she did not share the incident with any one. It is the stand of the complainant that the accused in between till the registration of the present FIR had been defiling and threatening her and in connivance with co-accused non-applicant Kashmir Singh @ Kamal posted pictures of the complainant on the social media carrying derogatory remarks.

Learned counsel for the petitioner inter-alia contends that both the complainant and the accused are grown up married persons known to each other. It is submitted that it is the own stand of the complainant that the relationship was consensual over a long period of time and thus prayed for grant of bail.

Learned State counsel has opposed the bail on the grounds that there is nothing suggestive of allegation of rape but claims that it was by deception, threat and force the complainant was ravaged and that the uploading of the photo of the complainant with derogatory messages are matters of much relevance and the accused even while in Jail has threatened the complainant with dire

consequences.

Going through the submissions as is there both the sides are married mature persons with kids. As is there after the first incident of alleged defilement the complainant kept silent and it is subsequently the allegations have come about belatedly. In the absence of any worth while medical evidence and that the petitioner is behind the bars, culpability if any shall be determined at the trial, it is a fit case for allowing the present petition. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Fatehgarh Sahib. However, the petitioner would be giving an undertaking in writing in the said court that he would not act in a manner intimidatory to the complainant or the witnesses and in case violates the same, his bail orders are liable to be recalled.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 10, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No