

CRM-M-41188-2019

Date of Decision : 02.12.2019

Vikas Rana

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Arnav Sood, Advocate
for the petitioner.Ms. Sakshi Bakshi, Asstt.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J.**

The petitioner-Vikas Rana, who is in custody in case bearing FIR No.44 dated 06.08.2019 under Sections 376, 506, 148 and 149 of the Indian Penal Code registered at Police Station Hajipur, District Hoshiarpur has sought a regular bail application.

The brief allegations have been levelled by a young unmarried girl, then aged around 18 years, who came in contact with the petitioner, who happens to be a army man, through social media.

The complainant alleges that after the encounter on facebook, they started meeting each other and during one of these meetings, after the dinner, the accused administered her a sedative in a cold drink. On regaining conscience, the prosecutrix discovered that it was the accused, who had undressed her and defiled her against her wishes. The complainant alleges that the accused also clicked her photographs in an objectionable state and on that pretext, had been making physical relations at various places, promising to enter into a wedlock with her and when he backed out, the present case was got registered.

Learned counsel for the petitioner *inter alia* contends that at the time of the incident, the complainant was major and there is no medical evidence to establish the offence of rape. It is contended that the couple were in a relationship for a long period of time and the FIR had come about after three years of the first encounter and, therefore, it is a fit case for grant of bail.

The learned State counsel, on instructions from ASI Daljit Singh, Police Station Hajipur, District Hoshiarpur, has opposed the grant of bail on the grounds that it was by virtue of his status, the petitioner had taken a young girl into confidence and on the pretext of marriage, has defiled her repeatedly and, thereafter, backed out to his commitment. It is submitted that the petitioner, if allowed bail, would influence the investigations and the trial.

Going through the submissions, admittedly, the victim happens to be a major at the time of the alleged offences. It is on the consent of the complainant, she had been into this relationship a number of times. There is nothing substantial to establish by medical means, thus, a debatable issue arises over the very applicability of offence under Section 376 IPC, which can only be adjudicated at the time of the trial.

The petitioner is behind the bars and, thus, culpability, if any, shall be determined at the trial. This Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Ilalaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

02.12.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No