

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-44462 of 2019 (O&M)
Date of decision : October 23, 2019

Gurpreet Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Harpreet S. Brar, Advocate, for the petitioner
Mr. Pawan Sharda, Sr. DAG Punjab for the State with
SI Kiranjit Kaur, PS City Barnala
Mr. Rajender Kumar, Advocate for
Mr. PS Dhaliwal, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Gurpreet Singh has sought regular bail in case FIR No. 248 dated 28.6.2019 under Sections 376(2)(n) IPC, Police Station City Barnala, got registered by 26 years old unmarried girl. The complainant in her allegations alleges that she befriended the petitioner about two years ago on Facebook followed by telephonic talks. It is during the course of time they started meeting each other and the complainant alleges that during his visit to Barnala, the

petitioner would take her to hotels where she was physically exploited/defiled on the pretext of marriage and thereafter the accused backed out.

Mr. Harpreet S. Brar, learned counsel for the petitioner inter-alia contends that the petitioner is an Army man and is behind the bars since a long time arguing that the prosecutrix as is the petitioner are grown up major persons and were in consensual relationship and there is no medical evidence to support the stand of the prosecution of defilement of the complainant.

Learned State counsel though has not displaced the facts but has strongly opposed the grant of bail on the grounds that if allowed the bail, the petitioner might interfere and influence the witnesses.

Admittedly, the petitioner is behind the bars and both the petitioner and the complainant are major grown up mature persons. There is no supportive medical evidence to substantiate the allegations of rape. Thus, culpability if any would be determined at the trial which is not likely to be accomplished in the near future. Being a Sepoy in the Army, there is no likelihood that the petitioner may abscond. Thus, it is fit case for grant of bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the

satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,
Barnala.

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.

October 23, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No