

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-49014 of 2019 (O&M)
Date of decision : December 06, 2019

Gulab Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. DK Tuteja, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with
ASI Rakesh

Mr. Vishal Nehra, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

CRM-37475-2019

Since the present application has been filed in compliance with orders dated 25.11.2019, the same stands allowed. Sections 420, 467, 468, 471 IPC are ordered to be added in the head note and prayer para of the main bail application. Office to do the needful.

CRM-M-49014-2019

Petitioner Gulab Singh who is in judicial custody in case FIR No. 422 dated 7.9.2019, under Sections 376, 377, 506 IPC and Sections 420, 467, 468, 471 IPC (added later on), Police Station City Gohana, District Sonapat, has sought this regular bail.

The present case was got registered by the victim a woman Warder in Jail Department. It is alleged that about 5/6 years prior to the registration of the present case which took place on 7.9.2019, she came across the accused. It is alleged that the accused on the pretext of marriage developed physical relations with her and every time gave false promise of marriage but did not do so and rather threatened her with dire consequences.

Learned counsel for the petitioner inter-alia contends that both the petitioner and the complainant were grown up persons employed in government jobs and had entered into this relationship and were living in live-in-relationship. To support his contentions, counsel has placed reliance on identity card of the complainant Annexure P3, Aadhar Card Annexure P/4, RCs of her motor vehicles Annexure P/5 and P/6, certificate regarding entry of name in voters list Annexure P/7, service record Annexure P/8 and bank passbook Annexure P/9 to bring about that the lady had been

showing herself to be the wife of petitioner Gulab Singh. It is contended that the petitioner is behind the bars and had never either promised to marry the complainant or backed out of it and being in live-in-relationship had represented to the people at large as to their relationship of husband and wife for which reliance is placed on photographs Annexure P/11 numbering 12.

The learned State counsel has vehemently opposed the bail on the grounds of the petitioner being trickster and fraudster wherein he had enticed and developed physical relations with the complainant and thereafter backed out of the same and in view of the heinousness of the offence and apprehension that he might influence the witnesses disentitles him to any relief.

Going through the submissions as is illustrative from the various public records placed on the file, the photographs of the couple with their relatives are suggestive of acknowledgment of this relationship by the petitioner. The petitioner is in custody since a long time. No useful purpose will be served by retaining him in further custody. Culpability, if any, shall be determined at the trial which is not likely to be concluded in near future. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,

Sonepat.

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 06, 2019

(Fateh Deep Singh)
Judge

'tiwana'

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No