

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

**CRM-M No.47225 of 2019**

Date of decision: 18<sup>th</sup> December, 2019

Manpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Rajinder Kumar Singla, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioner Manpreet Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.162 dated 21.07.2019 under Section 376 IPC pertaining to Police Station Canal Colony, District Bathinda, have come about by a married lady with kids aged around 25 years working as Security Guard in a private hospital. The complainant alleges that during the course of her employment, she came in contact with the petitioner who too works in the same hospital and both of them entered into a relationship. The petitioner had divorced his wife and during the course of their relationship both of them agreed to enter into wedlock and in the process it is alleged that the petitioner used to defile the lady but subsequently backed out of the same, leading to registration of the present case.

Learned counsel for the petitioner Mr. Rajinder Kumar Singla, Advocate inter alia contends that both, the petitioner as well as the complainant are major, married persons with kids and were in a relationship for almost three years and thus, has sought to challenge the claims of the complainant including the allegation of rape.

Learned State counsel, Ms. Sakshi Bakshi, Assistant Advocate General, Punjab on instructions from HC Malkeet Singh, though has agreed to the facts canvassed by learned counsel for the petitioner but has vehemently opposed grant of bail on the grounds that it was on the pretext of marriage the petitioner had been defiling the lady who was taken for a hollow promise of marriage from which he backed out and therefore, has acted in a dishonest manner and cheated the prosecutrix.

Going through the submissions as is the stand of the two sides, both, the petitioner as well as the complainant are mature, married persons with kids. It is duly conceded at the bar that the two were in a relationship over a period of three years, thus a debatable issue arises over the very applicability of offence under Section 376 IPC which can only be adjudicated at the trial. In view thereof and the fact that the trial is not likely to conclude in near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**December 18, 2019**

*rps*

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| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |