

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-52308-2019 (O&M)
Date of Decision:-13.12.2019

Bharat Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K.S. Phoolka, Advocate with
Ms. Shivali, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab,
assisted by SI Gurdas Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.20 dated 2.4.2017 at Police Station S.G.N. Dev Thermal Plant, Bathinda, District Bathinda under Sections 376, 323 and 506 of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix aged 26 years, wherein she has alleged that although she had been married to Iqbal Singh but she is residing alone at Guru Gobind Singh Nagar as a petition for divorce is pending in District Court at Bathinda. It is alleged that she used to go to *Peerkhana* to offer prayer where she came in contact with Bharat Kumar @ Shanny (petitioner). It is further stated therein that on 30.3.2017, the

aforesaid Bharat Kumar came to her house at 8:30 P.M. and bolted the door from inside and asked her to make physical relations with him. Although the prosecutrix refused for the same but Bharat Kumar went on to establish physical relations forcibly against her wishes. The prosecutrix had raised alarm but no one was attracted. It is alleged that the accused stayed there the entire night and even for the entire next day and night i.e. on 31.3.2019 and thereafter left while issuing threats to her not to disclose the incident to anybody failing which he would kill her brother.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact it is apparently a case where the prosecutrix was having consensual physical relations with the petitioner as in her statement recorded under Section 164 Cr.P.C. she has stated that she knew the petitioner since the last about six months.
4. Opposing the petition, the learned State counsel has submitted that since specific allegations of rape have been levelled in the FIR, which have been reiterated by the prosecutrix when her statement under Section 164 Cr.P.C. was recorded, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Without making any expression as regards the veracity of allegations and while bearing in mind that the petitioner has been behind bars since the last about four months and that challan already stands presented, further detention of the petitioner would not serve any useful purpose as the conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2019
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No