

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

CRM-M No.53105 of 2019
Date of decision: 18th December, 2019

Jeetu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Harneet Singh Oberoi, Advocate for
Mr. Rapton, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Jeetu who is in custody since 31.03.2019, has sought regular bail under Section 439 Cr.P.C. in case bearing FIR No.258 dated 24.10.2018 under Sections 366, 376, 120-B IPC pertaining to Police Station City Raman, District Bathinda. The allegations in this case have been made by complainant, a girl aged around 19 years. In her complaint, she alleged that she was in a relationship with the petitioner before her marriage to Kulvir Singh on account of which she was married on 19.09.2018. It is alleged that on 17.10.2018, when she was at the door of her house around 8:30 p.m., one Bubby and Deepi were standing outside on a motor bike along with Amrik Singh and Raju. It is alleged that when she went near the gate, accused Bubby caught hold of her arm, lifted her and made her sit in the middle on the motor bike which was

being driven by Deepi and thereafter, they ran away with the complainant who started raising raula. After some distance, she was dropped near a Bolero jeep on the river bank where the accused petitioner along with his co-accused Sanju and a driver were present and thereafter, all these persons took her away. The allegations against the petitioner are that he subsequently took the complainant to a house and defiled her. The couple thereafter left for Delhi from where the girl was got recovered.

Learned counsel for the petitioner Mr. Harneet Singh Oberoi, Advocate inter alia contends that both, the petitioner and the complainant were major and in a relationship on account of which a false case has been got registered and has placed on record photographs numbering seven to establish this relationship to be consensual and voluntary.

Learned State counsel Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from SI Pargat Singh has sought to oppose the grant of bail on the grounds of seriousness of allegations and that if allowed bail the petitioner might stifle the trial.

Going through the submissions of the two sides, both, the complainant and the petitioner are major and admittedly in a relationship. The photographs placed before this Court and the manner in which the allegations in the FIR have come about are suggestive of this being a consensual relationship. Thus, applicability of offence of rape is subject matter of trial, which is not likely to conclude in the near future. In view thereof, 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

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