

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

**CRM No.M-1181 of 2020 (O&M)
Date of Decision: October 01, 2020**

Manjit Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.M.K.Bhatnagar, Advocate,
for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab
for the respondent-State.

Mr.Varinder Kumar Sandhi, Advocate
for the complainant.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail in case FIR No.0062 dated 15.11.2019 under Sections
376 and 354-A IPC, registered at Police Station Verka, District Police
Commissionerate, Amritsar.

Heard on the petition.

At the very outset, learned for the petitioner submitted that as
directed by this Court on the last date of hearing, charge has been framed
and statement of the prosecutrix has also been recorded. It is further

submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. In fact, the prosecutrix is a married woman, having two children. False allegations have been raised against the petitioner qua commission of rape and also taking of money to the extent of Rs.4 lakhs. It is also stated that no threat was given to make viral the photographs or videos by the petitioner. Also, it is submitted that there are no photographs or videos of the prosecutrix available with the petitioner.

However, learned State counsel as well as learned counsel for the complainant submitted that petitioner had allured the prosecutrix into the love trap and also asked her to file a divorce petition against her husband.

In the light of the aforesaid submissions, it is pertinent to mention that prosecutrix is a married woman, having two children. Though, there are allegations of physical relations but at this stage, keeping in view the nature of accusations, the aspect of consent of the prosecutrix, as such, cannot be overlooked. Even though, there are accusations of threats having extended to make viral the photographs or videos but however, there is no material to substantiate this averment on record. Though, the statement of the prosecutrix has been recorded, learned State counsel has specifically stated that no video or photograph, as such, has come on record in her statement in the trial Court or in the statement of the prosecutrix got recorded under Section 164 Cr.P.C.

The statement of the prosecutrix has since been recorded by the trial Court. The petitioner is in custody since 15.11.2019.

Considering the aforesaid fact situation and also without

making any reference to the merits of the case, the present petition, as such,

is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate.

(ARCHANA PURI)
JUDGE

October 01, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No