

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

212

CRM-M-11442-2020

Date of Decision:03.06.2020

Chetan Narula

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Pushpinder Kaushal, Advocate,
for the petitioner.**

Mr. Dhruv Dayal, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.28 dated 30.01.2020 under Sections 376, 506 IPC, registered at Police Station Dera Bassi, District SAS Nagar.

As per the FIR, the prosecutrix and the petitioner were known to each other since the year 2014. Physical relations were developed between the parties in different hotels in Zirakpur and Dera Bassi and the petitioner has projected the prosecutrix as his wife. However, when the prosecutrix used to ask the petitioner to solemnize marriage, he used to evade this question on one pretext or the other. The petitioner has threatened the prosecutrix that in case she would disclose their relationship

to anybody else, then he will defame her. Now instead of solemnizing

marriage with the prosecutrix, petitioner is going to perform marriage with some other girl on 08/09.02.2020.

Learned counsel for the petitioner has argued that the petitioner is in custody since 30.01.2020. Vide order dated 07.02.2020 passed by learned Judge, Special Court, SAS Nagar, Mohali, petitioner was granted interim bail, so as to perform marriage with some other girl on 08/09.02.2020 at House No.751, Ward No.18, Rouni Mohalla, Dera Bassi, District Mohali and pursuant thereto, marriage has been solemnized. The petitioner is now taken back in the judicial custody. He further submits that relations between the petitioner and the prosecutrix, if any, were consensual one. No date and time has been given in the FIR as to when the prosecutrix was taken to different hotels in Zirakpur and Dera Bassi.

Learned State Counsel has argued that it is on the pretext of marriage, petitioner has established physical relations with the prosecutrix and has taken her to different hotels.

Heard learned counsel for the parties.

As per FIR, the prosecutrix and the petitioner were known to each other since the year 2014. No specific date and time has been mentioned in the FIR when the prosecutrix was sexually assaulted by the petitioner in different hotels in Zirakpur and Dera Bassi. Moreover, there is no medical evidence so as to substantiate the offence under Section 376 IPC, the culpability of the petitioner is yet to be established during the course of trial.

Be that as it may, petitioner is in custody since 30.01.2020. As no witness has been examined in the case and even charges have not been framed so far and trial in the case will take sufficient long time, this Court

deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

June 03, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No