

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.12854 of 2020
Date of Decision: June 23, 2020

Gurpreet Singh

...Petitioner

Versus

The State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Ritu Pathak, Advocate &
Mr. Gaurav Pathak, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.236 dated 29.11.2019, under Sections 376, 366, 506 and 201 IPC, registered at Police Station, Pasiyanna, District Patiala, pending trial. The petitioner is in custody since his arrest on 01.12.2019.

The above FIR was registered on the basis of the statement of the prosecutrix, wherein it was alleged that she was already married to Sohan Singh @ Soni for the last 14 years and had two children. She was acquainted with the petitioner and used to go to him for taking the medicines for her illness. She had a stomachache and the pain used to subside upon taking the medicine given by the petitioner, however, being fed up with the illness, complainant asked him if he could cure this ailment.

Upon this, the accused advised her to visit a doctor outside the village and

the prosecutrix on his asking, left her sleeping children at home and went with him. As per the allegations, accused forced upon her for her consent and exploited her. It was narrated that her gold ornaments were also sold and they both kept on roaming to different places on his motor cycle. On these broad allegations, the above FIR was registered for the offences punishable under Sections 376, 366, 506 and 201 IPC.

Learned counsel for the petitioner contends that the lady is elder to the petitioner and was mature enough to understand the good and bad. According to him, the complainant willingly eloped with the petitioner and stayed with him for more than a month and never raised any grievance. He submits that the investigation of the case is complete and the trial is likely to consume considerable time, therefore, further custody of the petitioner may not be required. It is prayed that the petitioner be released on bail.

On the other hand, learned State counsel, who is assisted by Inspector Mohan Singh, has opposed the prayer. According to him, the petitioner betrayed the trust of the lady and obtained her consent by force which completes the offence punishable under Section 376 IPC. It is not disputed by him that the investigation of the case is complete and till date, no witness has been examined.

Considering the above background, custody of the petitioner and the fact that the country is presently in the throes of global pandemic, namely, COVID-19 and it may delay the trial, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing the requisite bail bonds/surety bonds to the satisfaction of the

Trial Court/Duty Magistrate, Patiala.

The petition is allowed.

June 23, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No