

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

CRM-M-13866-2020 (O&M)

Date of decision:16.6.2020

RAJINDER SINGH @ BHOLA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J. (ORAL)

CRM-12135-2020

Allowed as prayed for subject to all just exceptions.

Main Case

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.202 dated 7.11.2019 under Sections 363, 366, 376, 342, 506, 34 IPC at Police Station City Kotkapura, District Faridkot.
2. The FIR was registered at the instance of prosecutrix wherein it has been

alleged that on 10.7.2019, Rajwinder Kaur and Baljinder Kaur @ Kake (sisters of petitioner) came to her and proposed to her to work in the dance group of their brother Rajinder Singh @ Bhola and further threatened that in case she refused they will show her objectionable photographs to the persons of the locality and will disgrace her. When the prosecutrix asked them to show the photographs in question, the said two girls stated that the photographs are with Rajinder Singh @ Bhola and they made her speak to Rajinder Singh @ Bhola on phone who asked her to meet her at Kotkapura bus stand. It is alleged that Rajinder Singh @ Bhola on the pretext of returning her photographs took her to Ludhiana and stated that he had taken the photographs on 24-25-26/May/2019 when she had gone to attend the marriage of her relative Jaswinder Kaur which was solemnized adjacent to the house of petitioner Rajinder Singh @ Bhola. It is further alleged that subsequently she was taken to Ganga Nagar where Rajinder Singh @ Bhola had taken room on rent and where he established physical relations with her without her consent. It is alleged that on one day she was able to contact her father on mobile phone of Rajinder Singh @ Bhola which he had left in the room and thereafter her parents came to Ganga Nagar and rescued her on 8.9.2019 and brought her back to Kotkapura.

3. The learned counsel for the petitioner has submitted that it is a case where the prosecutrix is a minor and she had voluntarily left her house and had been staying with the petitioner voluntarily and had in fact also solemnized marriage with him. Learned counsel has submitted that since the parents of the prosecutrix were against the said relationship and had

been threatening the petitioner and the prosecutrix, therefore, the prosecutrix had submitted an application to the police which is duly referred to in the '*Challan*' itself and which would fully substantiate the case of the petitioner that he had never abducted the prosecutrix and she had voluntarily accompanied him.

4. Opposing the petition, learned State counsel has submitted that no credibility can be attached to the application allegedly submitted to the police and in fact the same had been forged with the help of signatures of the prosecutrix obtained on the blank papers. The learned State counsel has further submitted that since specific allegations have been levelled against the petitioner, no case for bail is made out. It has however been informed that the petitioner has been behind bars since last about 6 months and '*Challan*' already stands presented.
5. I have considered rival submissions addressed before this Court.
6. In view of the facts and circumstances stated above, it will certainly be debatable as to whether it is a case where the petitioner had forcible physical relations with the prosecutrix or as to whether it is a case of consensual physical relations and that the prosecutrix had voluntarily accompanied the petitioner, especially in view of the fact that the prosecutrix is herself stated to have made an application to the police seeking protection from her family. In any case, since '*Challan*' already stands presented and the petitioner has been behind bars since last about 6 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.

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7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.6.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No