

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

CRM-M-14109-2020 (O&M)

Date of Decision:09.07.2020

Parminder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. JPS Brar, Advocate for the petitioner.

Mr. Mehardeep Singh Dullat, Addl. A.G. Punjab.

Ms. Pooja Dhingra, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in case FIR No.70, dated 28.07.2018, under Sections 376/306/116 IPC, registered at Police Station Thermal, District Bathinda.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Gurdeep Kaur D/o Joginder Singh. Complainant stated her date of birth to be 07.11.1999. It was asserted in the complaint that about 2 years prior, she had come in touch with the petitioner herein, namely, Parminder Singh S/o Gursewak Singh and they had exchanged telephonic conversations. Precise allegation is that in November, 2017, petitioner had taken the complainant in a car to a hotel in Barnala and under threat that her brother would be killed, sexual relations

were established. Thereafter, anti-pregnancy tablets were given. As per complainant, fearing for her family reputation and on account of threats extended of by the petitioner, the incident was not disclosed with her family members. Thereafter in April, 2018, complainant came to Bathinda to pursue her IELTS Course. The petitioner herein is also stated to have taken admission in the IELTS course and he started pursuing the complainant again at Bathinda. Complainant further asserts that since she was not entertaining the calls being made by the petitioner, he threatened that he would commit suicide. It is at this stage that the complainant narrated the entire factual position to her aunt. Thereafter, it is asserted that the entire sequence of events came to the knowledge of her parents as also in the knowledge of the Panchayat of the village. Complainant has further alleged that she has been defamed and she even consumed some poisonous substance so as to end her life. Thereafter she was about to jump in a lake in Bathinda but some nearby hawkers caught hold of her and made a call to Sahara Welfare Association and was thereafter admitted at Civil Hospital, Bathinda for treatment.

Petitioner was arrested on 22.09.2019.

Investigation in the case is complete and challan has been presented.

During the course of hearing, it has gone uncontroverted that even though FIR has been registered initially for offence under Sections 376/306/116 IPC but the trial Court at the stage of framing of charge on 04.01.2020 has framed charges under Section 376 IPC.

The prayer for grant of bail has been vehemently opposed by

learned State counsel as also counsel representing the complainant by submitting that the offence committed is grave and the petitioner/accused has gone to the extent of threatening the complainant repeatedly and on account of which the complainant had even made an attempt to end her life.

Be that as it may, there is no escape from the fact that the charges framed by the trial Court is under Section 376 IPC.

It is for the trial Court to examine the aspect as regards delay. After all even as per complainant's version, she was an adult in November, 2017 when the alleged occurrence has taken place and she chose to remain quiet for more than six months after the alleged occurrence of sexual abuse.

Counsel for the petitioner has read out from the challan document the opinion of the doctor wherein it has been recited that no spermatozoa has been detected in the FSL report dated 01.08.2018 and on such basis it has been opined that no vaginal intercourse has been taken place.

The trial is still at the very initial stage. Keeping in view the current COVID-19 situation, trial would be a prolonged affair and would take time to conclude.

In view of the above and coupled with the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

It is, however, clarified that the observations made in the

present order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the trial.

Disposed of.

09.07.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |