

CRM-M-14932-2020 (O&M)

Date of decision: 29.07.2020

Gaurav Bhagat

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Gaurav Bhagat has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.67 dated 27.03.2019 under Sections 376 and 506 of the Indian Penal Code registered Police Station City-II, Khanna, District Ludhiana.

The present allegations have come about from an unmarried lady aged around 20 years. The prosecutrix alleges that she was not keeping good health and her family comprising of her

mother-Gurmeet Kaur, father-Harbagh Singh and other relative, Chetan Singh took the prosecutrix on 10.03.2019 to the accused who carries on practice of occult. The prosecutrix alleges that on 20.03.2019, on the asking of the accused/petitioner, the girl stayed back with him on the pretext that after 3-4 days, she would become okay. It is, thereafter onwards for 3-4 days from 22.03.2019 to 24.03.2019, the allegations are that the petitioner physically used to abuse and exploit her and, subsequently, when her family members came, she left the place leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the victim happens to be a major and has volunteered into living with the petitioner for a number of days and succumbed to his wishes and desires and there is no medical evidence to corroborate the allegations of rape.

The learned State counsel though does not displace the factual scenario but has opposed the bail on the ground that the trial is undergone and if allowed bail, there is every likelihood that the petitioner would stifle the trial.

Appreciating the submissions, the petitioner has undergone incarceration since 27.03.2019 for more than 01 year and 04 months and in the absence of any strong overwhelming medical evidence to corroborate the allegations together with the own stand of the prosecution that she was major and volunteered into this

relationship over a number of days without protest, which is a sufficient indicator as to what is at the back of the allegations. Moreover, as per the claim of the prosecution, the prosecutrix stands examined. In view of the present pandemic, the trial is not likely to be accomplished in the near future and no useful purpose would be served by keeping the petitioner behind the bars

Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

29.07.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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