

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-16005-2020 (O&M)

DATE OF DECISION: 15.07.2020

LAKHAN @ LAKHAN KUMAR

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl.A.G., Punjab.

Ms. Jasneet Mehra, Advocate for

Mr. L.M. Gulati, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.0231 dated 25.12.2019, under Section 376 IPC (Annexure P-1), registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner contends that allegations in the FIR are that the petitioner had developed physical relations with the complainant on the promise of marriage. He had refused to marry her. He, however, contends that the complainant was already married and had not obtained legal divorce from her husband and, therefore, it would not be possible for the petitioner to marry her. The petitioner is in custody for over 4 months. He has relied upon the judgment of the Supreme Court in the case bearing Criminal Appeal No.1443 of 2018, Dr. Dhruvaram Murlidhar Sonar Vs. State of Maharashtra and others, decided on 22.11.2018 in support of his contention that having physical relations on the promise of marriage would not amount to rape.

Learned State counsel contends that the challan has been filed but no witness has been examined.

Learned counsel for the complainant, however, contends that the petitioner had falsely promised to marry the complainant and he had also taken a huge sum of money from her. The complainant had obtained a panchayat divorce with regard to her first marriage and therefore, there was no impediment in her second marriage.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over 4 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

15.07.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No