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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16783 of 2020
Date of decision : 14.07.2020

Navdeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

Mr. Amandeep Singh, Advocate for the complainant.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner seeks regular bail in FIR No.22 dated 30.01.2020 under Sections 376, 406, 120-B, 506 IPC registered at Police Station, Sadar Jagraon, District Ludhiana.

Counsel for the petitioner submits that admittedly as per the FIR itself there was a relationship between the petitioner and the complainant Jaspreet Kaur who is aged around 33 years. It is submitted by the complainant's counsel that there was physical relationship between them on inducement on the part of the petitioner to marry her. Money was also taken on demand as such for the need of the petitioner and that the accused family had purchased tractor and motorcycle etc.

Counsel for the petitioner has submitted that in such

circumstances once the challan has been presented on 20.3.2020 and investigation is complete, no useful purpose would be served by keeping the petitioner behind the bar.

It is also submitted that there is counter allegation as such that the complainant had also duped the petitioner of a huge amount on the pretext of being sent abroad and the representation dated 13.11.2019 (Annexure P/1) and criminal complaint (Annexure P/2) as such against her and her family members was also filed.

Counsel for the State on the other hand submits that the proceedings launched by the petitioner are subsequent as the complainant had submitted an application dated 23.10.2019 with the police and the FIR had only been lodged subsequently on 30.1.2020.

Keeping in view the cumulative facts that there was relationship interse the parties from the year 2014 till the application was given in the year 2019 and they had also travelled out of station to various places, it would be a moot question as such as to whether an offence under Section 376 IPC is made out. Similarly whether there was any cheating and inducement on the part of the petitioner on account of which money as such had been transferred. The petitioner has already undergone 5 months and 10 days imprisonment as per custody certificate dated 14.7.2020 and it is not a case where there would be any threat to the complainant or the witnesses in the facts and circumstances or the accused would tamper with the evidence.

In the peculiar facts and circumstances of the case and keeping in view that considerable time shall be taken in concluding the trial especially in view of the Covid-19 Pandemic, this Court is of the opinion

that the petitioner has undergone sufficient period of detention and he is entitled for the benefit of regular bail.

Accordingly the present petition stands allowed and the petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Ludhiana.

It is made clear that the observations made herein are only for the purpose of deciding the bail application as such.

14.07.2020
Pka

(G.S. Sandhawalia)
Judge