

S.No.209

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

CRM-M-18155 of 2020 (O&M)

Date of Decision:28.07.2020

Kuldeep SinghPetitioner

Vs.

State of PunjabRespondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Dilraj Singh Bhinder, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.75 dated 21.04.2018 registered under Sections 452/448/376/506 IPC at Police Station Talwandi Sabo, Bathinda.

It is contended by counsel for the petitioner that the case against the petitioner is totally wrong and baseless. Otherwise also, since the case had been registered on the basis of some misunderstanding, therefore, the parties had amicably settled the dispute. Even as per the allegations of the prosecution, the prosecutrix is a married woman of the age of 24 years whereas the petitioner is only 19 years of age. Still further, the prosecutrix alleged that the petitioner committed rape on two dates at an interval for one week. However, after the alleged first incident, no such complaint was made. Therefore, even if prosecutrix is to be believed then also the entire thing happens to be only a consensual affair, which cannot be

categorised as rape by any means. Counsel has also submitted that the petitioner was arrested on 18.03.2020, after about two years of the alleged incident. The Police had not even attempted to join the petitioner in investigation before his arrest. Challan already stand filed. Hence, the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. H.S. Multani, AAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel submits that there is specific allegation against the petitioner. However, it is not disputed that the petitioner was arrested after about two years of the incident and that before his arrest, the Police had not even attempted to join him in investigation. It is also not disputed that the prosecutrix is of the age of 24 years whereas the petitioner is 19 years of age.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 28, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No