

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-18189 of 2020

Date of Decision: 09.12.2020

Seopal Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sumeet Puri, Advocate
for the petitioner(s).

Mr. Prabhjot Singh Walia, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.33 dated 29.04.2019 under Sections 376(2)(n), 506 IPC registered at Police Station Cheema, District Sangrur.

As per the FIR, husband of the prosecutrix had expired 4 years back in a road side accident. The petitioner had worked in the house of the prosecutrix as a Mistri. After 15-16 days when the repair work of the house started, the petitioner visited the house of the prosecutrix in evening to collect money from her in lieu of the work done by him. When the

prosecutrix went inside the house, the petitioner followed her and told her that he is still a bachelor and ready to marry her and started developing physical relations with her. He swore that he will marry with her. In this manner, he trapped the victim on false promises of performing marriage with her and committed rape upon her. He gave the false assurances of marriage to the prosecutrix for about three years. On 06.04.2019 at 10.30 P.M., when elder son of the victim was on duty and the prosecutrix was alone in her house, the accused-petitioner and co-accused Bikkar Singh came in her house and committed rape upon her.

Learned counsel for the petitioner has argued that the co-accused Bikkar Singh has been found innocent during investigation and admitted on interim bail by this Court vide order dated 14.01.2021 passed in CRM-M-1228-2020, though the prosecution has moved an application under Section 319 CrPC, wherein he has been summoned, as an additional accused. Thus, the allegations made by the prosecutrix are false. He has further argued that the petitioner is about 32 years of age whereas the prosecutrix is an old lady of above 56 years of age, having 5 children and all of them are married. The petitioner was arrested in the case on 28.06.2019, though he has been admitted on interim bail by this Court vide order dated 05.10.2020.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

This Court vide order dated 05.10.2020 had granted interim bail to the petitioner, noticing the fact that the petitioner was known to the

prosecutrix for the last 22 years. The petitioner had developed physical relations with prosecutrix on the pretext of performing marriage with her. The petitioner is stated to be of 32 years of age, whereas the prosecutrix is 55 years of age, having 5 children and all of them are married. Considering the fact that trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the order dated 05.10.2020, granting interim bail to the petitioner, is hereby made absolute.

However, it is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The petitioner shall not take any mileage from this order, in any other case, if registered against him.

December 09, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No