

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18974 of 2020 (O&M)

Date of decision : 4.8.2020

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Jaskaran Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. G.S. Brar, Advocate
for the petitioner.

Mr. Karan Sharma, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of regular bail has been filed by petitioner Jaskaran Singh, aged about 34 years, resident of village Ghumhara, District Sri Muktsar Sahib, an accused in FIR No. 67 dated 16.11.2019 for offences under Sections 376 (2) n, 506, 34 IPC, registered at Police Station Women City Dabwali, District Sirsa.

Briefly stated, facts of the case as per the prosecution story are that, the criminal machinery in this case was set into motion by the prosecutrix (name withheld to conceal her identity), resident of

Chormar, Police Station Orha, aged about 30 years, who in her statement to the police stated that about two years earlier she developed friendship with Jaskaran Singh – present petitioner.; that Jaskaran Singh asked her to divorce her husband, giving assurance to her that thereafter he would marry her. She accordingly divorced her husband and then asked the petitioner to keep his promise of marrying her. The accused put off the matter on one pretext or the other for about two years. However, he sexually exploited her. On 14.10.2019, he hired a room at Dabwali and left her there stating that he was getting married with someone else, threatening the complainant and her son with dire consequences, if they initiate legal action against him. According to the complainant, Jaskaran Singh has got married with someone else and legal action in the matter be taken. On the basis of her statement, formal FIR was recorded. The accused was arrested in this case on 14.1.2020.

After completion of investigation and other formalities, challan has been filed against him in the Court. He had moved an application before the Court of Sessions at Sirsa, praying for grant of regular bail, but his such request was declined by Additional Sessiones Judge, Fast Track Special Court, Sirsa vide order dated 18.6.2020 and as such he has knocked at the door of this Court praying for grant of similar relief, which is opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The petitioner is statedly serving in Indian Army and the complainant prosecutrix is stated to have filed a suit for permanent injunction against him restraining him from contracting a marriage with some other woman without getting divorce from her, claiming herself to be legally wedded wife of the petitioner however the allegations in the FIR, detailed in the earlier part of this order, are quite different.

Though the complainant prosecutrix has levelled allegations of sexual exploitation by the petitioner, on the pretext of getting married with her, making her divorce her first husband, but then the fact to be taken notice of, is that she happen to be a mature woman of 30 years, who could very well understand as to what was good or bad for her. From the contents of the FIR and other facts and circumstances, the complainant – prosecutrix comes out to be a consenting party to the affair. Nevertheless it is a matter of evidence, whether the petitioner had established physical relations with her, with her consent or against her wishes. The trial is stated to be at initial stage.

Keeping in view the totality of circumstances, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the petition is accepted. Petitioner- Jaskaran Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sirsa, subject to the following conditions :-

- i) he shall appear in the Court on each and every date of

hearing;

- ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

If he violates any of the above conditions, this order granting regular bail to him shall be liable to be withdrawn.

However, nothing discussed above shall have any bearing on the merits of the case.

4.8.2020
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(H.S. Madaan)
Judge

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