

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

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CRM-M-20197-2020

Date of Decision: 10.08.2020.

Gurvinder Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Mr. G.S. Dhillon, Assistant Advocate General, Haryana.

Suvir Sehgal, J.

This matter has been taken up for hearing through video conferencing due to Covid-19 pandemic.

Present petition under Section 439 Cr.P.C. has been filed by the petitioner, Gurvinder Singh, son of Sukhdev Singh, for grant of regular bail in case FIR No.27 dated 24.04.2019, under Sections 323, 366, 376 (2) (n) and 450 IPC, registered at Police Station Women Dabwali, District Sirsa.

As per the prosecution version, FIR was registered on the statement of the prosecutrix/ victim, wherein she stated that she was married with Babbu Singh and three children were born out of the wedlock. She had been living separately from her husband for the last six years.

Gurvinder Singh (present petitioner) who is a labourer, came to her house

about one year back on the pretext of providing work to her son. Thereafter,

he regularly started visiting her and about 9 to 10 months back, he raped her. He promised to get married with her and took her to Village Ghaggar in Punjab, where they stayed together for 5-6 months. She came to know that Gurvinder Singh is married and had cheated her on false promise of marriage. The prosecutrix is five months pregnant from Gurvinder Singh. He has been pressurizing her to abort the child and even beat her up. During investigation, the petitioner was arrested on 05.05.2019 and is in custody since then.

Counsel for the petitioner has contended that the sexual relations between the petitioner and the prosecutrix were consensual and the prosecutrix all along knew that the petitioner was married. He further contended that no offence is made out and false allegations have been levelled against the petitioner in order to force him to fulfil unwarranted demands of the prosecutrix.

The petition has been opposed by the State counsel, upon instructions from SI Gurmeet Singh. He has argued that the petitioner had concealed the fact of marriage from the prosecutrix and had physical relation with her on false promise of marriage. He points out that the challan was filed on 29.06.2019 and the charges were framed on 26.09.2019. As per his instructions, 3 out of 14 prosecution witnesses have been examined but the prosecutrix has yet to be produced in the witness box. He has expressed an apprehension that in case the petitioner is enlarged on bail, he may try to intimidate the prosecutrix.

I have heard the counsel for the parties and considered their rival submissions.

From the stand taken by the petitioner, it becomes apparent, that the petitioner has been having sexual relations with her over a period of time. As to whether the sexual relations were consensual and as to whether the prosecutrix was aware that the petitioner was married, is yet to be determined. The prosecutrix is pregnant and the allegation is that the petitioner had tried to force her to abort the child and even beaten her up. The trial is already underway. The prosecutrix who is the most material witness is yet to be examined.

Keeping in view the above background, this court is of the view that there is substance in the apprehension of the State counsel that in case, the petitioner is granted concession of regular bail, he may try to influence or threaten the prosecutrix.

In view of the above facts, no case is made out for grant of regular bail to the petitioner. Accordingly the petition stands dismissed.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

10.08.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No