

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

207

CRM-M No.24845 of 2020

Date of Decision: September 2nd, 2020

Amarjot Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. A.A. Pathak, Additional Advocate General, Punjab.

Mr. Davinder Kumar, Advocate
for the complainant.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.98 dated 21.06.2020 registered under Sections 376 IPC at Police Station Civil Lines, Bathinda.

It is the contention of learned counsel for the petitioner that perusal of the FIR would indicate that the petitioner and prosecutrix were in live in relationship. It is because of some misunderstanding and differences that the present FIR appears to have been lodged by the prosecutrix. It has further been stated that the prosecutrix had appeared before the trial Court and had made a statement on 14.08.2020, which has been placed on record as Annexure P-2, where she acknowledges the factum of there being some misunderstanding and differences leading to the strained relationship, which have been sorted out with the intervention of the relatives. He thus contends that the present would not be a case of rape.

Counsel for the State, on the other hand, contends that the prosecutrix has given a statement under Section 164 Cr.P.C. alleging the

commission of rape on her by the accused. He contends that it appears that the subsequent statement, which has been given by her in Court, is under some pressure and, therefore, should not be taken into consideration. He, however, could not dispute the fact that there was live in relationship between the petitioner and prosecutrix.

Counsel for the complainant has also appeared and acknowledges the statement dated 14.08.2020 (Annexure P-2) given by her before the trial Court.

I have considered the submissions made by the counsel for the parties.

A perusal of the FIR would show that there was live in relationship between the parties, which factum is acknowledged and with such relationship, at this stage it would be difficult to conclude, especially in the light of the subsequent development, which had occurred with regard to the relationship being consensual or otherwise. The trial Court is not proceeding because of the prevailing situation and, therefore, continuation of the petitioner in custody would not serve the purpose.

In view of the above, the present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Bathinda.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 2nd, 2020

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes
Whether Reportable: No