

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

CRM-M-28446-2020

DATE OF DECISION:-23.09.2020

SUKHWINDER SINGH @ GAGGI

...PETITIONER...

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Munish Garg, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Yashveer Kharb, Advocate for the complainant.

SANT PARKASH, J. (ORAL)

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court)

This is first petition filed by the petitioner for grant of regular bail under Section 439 Cr.P.C., in case/FIR No.0076 dated 13.05.2020 (Annexure P-1) under Sections 376(2)(n), 354, 354-A, 188, 34 of Indian Penal Code, registered at Police Station Barnala.

The present case has been registered against the petitioner on the statement of Kriti Sharma (victim) on the ground that the petitioner repeatedly committed sexual assault with her on the pretext of solemnizing marriage.

Learned counsel for the petitioner has submitted that the allegations against the petitioner are false and frivolous. They are in a relationship for the last few months. Moreover, the matter has been compromised which fact is evident from the affidavit of complainant

Kirti Sharma who stated that she was acquainted with the petitioner for the last 7-8 months; their relationship was very good; they kept on meeting each other; Sukhwinder Singh never did anything wrong to her and she was made to sign on blank papers on basis of which the present FIR was registered by concocting a false story because his father was not happy with their relationship .

Learned State counsel assisted by the counsel for the complainant, though opposed the prayer made by the petitioner but could not dispute the contents of the affidavit sworn by the complainant.

Keeping in view the totality of the facts and circumstances of the present case, as also the fact that unhappiness of the father of the complainant because of her relationship with the petitioner, has resulted into registration of the FIR; coupled with the filing of the affidavit by the complainant, denying any unlawful act committed by the petitioner; and that the petitioner is in custody since 19.05.2020, no useful purpose would be served by keeping him in further incarceration.

In this view of the matter, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate surety/bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.09.2020

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whether speaking/reasoned:**whether reportable:****(SANT PARKASH)
JUDGE****Yes/No****Yes/No**