

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

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**CRM-M-28944-2020
Decided on : 28.09.2020**

Baljinder Sharma @ Sonu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Pardeep Bajaj, Advocate
for the petitioner(s).

Ms. Monika Jalota, DAG, Punjab
assisted by ASI Vann Singh.

MANJARI NEHRU KAUL, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 46, dated 25.05.2019, under Sections 376, 389, 506 IPC (Section 420 IPC was added later on), registered at Police Station Sadar Zira, District Ferozepur.

Learned counsel for the petitioner *inter alia* contends that the prosecutrix was in a relationship with the petitioner for the past almost 10 years. However, her family was averse to the relationship of the prosecutrix with the petitioner. The prosecutrix was married by her family to some other person against her wishes on 08.04.2020. However, despite being married, the prosecutrix continued to remain in touch with the petitioner. In support of his submissions, learned counsel for the petitioner has referred to the copies of letters exchanged between the prosecutrix and the petitioner as

well as the various photographs, which are annexed along with the instant petition as Annexures P-4, P-5 & P-7, respectively. However, subsequently when the prosecutrix was caught sending messages and chatting with the petitioner after her marriage, she was sent back to her parental home from her matrimonial home. It was thereafter, due to the pressure exerted upon her by her family, who are influential persons, the instant FIR was registered on the basis of false and fabricated allegations.

Learned counsel for the petitioner has further submitted that the false implication of the petitioner is further evident, as there was a delay of 41 days in lodging of the FIR in question. He has also submitted that the prosecutrix has since been examined before the trial Court, wherein, she, too admitted to her relationship with the petitioner before her marriage.

Per contra, learned State counsel while opposing the submissions made by learned counsel for the petitioner, has submitted that 02 out of 21 prosecution witnesses including the prosecutrix have been examined and the remaining prosecution witnesses are likely to be examined on the next date of hearing before the trial Court.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 25th May, 2019, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that

anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 28, 2020
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*