

230

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

**CRM-M No.38850 of 2020(O&M)
Date of Decision: 01.12.2020**

Jagsir Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Bhupender Beniwal, Asstt., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.69 dated 20.08.2020 registered under Sections 376, 341, 354-D, 506 IPC at Police Station Sadiq, District Faridkot.

The FIR was registered by the complainant/prosecutrix

on the ground that the petitioner got clicked some photographs with the complainant under the pretext of marrying her. Thereafter, the complainant came to know about the caste and qualification of the accused/petitioner and the petitioner started blackmailing the complainant.

Learned counsel for the petitioner submitted that the petitioner and prosecutrix solemnized marriage on 04.03.2019 according to Anand Karj at Faridkot. The marriage was the love marriage. They had visited many tourist place like Manali, Chandigarh, Dharamshala and voluntarily established physical relations. Petitioner and the complainant are major. Marriage was consummated and they lived like husband wife till March 2020 when the prosecutrix/complainant left the company of the petitioner under the pretext of spending some time in her parental house. Thereafter, she did not return. Learned counsel further relied upon petition under Section 9 of the Hindu Marriage Act filed only on 30.06.2020, in which the complainant/prosecutrix served with the summons of the case on 04.07.2020 i.e. before registration of the present case. He further relied upon inquiry conducted by the DSP, wherein police inquiry has established that the petitioner and the complainant with their own consent and due to friendship, established physical relations and no force was used by the petitioner. Since

the prosecutrix did not want to keep any relationship with the petitioner and the petitioner had harassed the prosecutrix against her wishes, therefore, legal action was taken. Learned counsel relied upon some photographs picturized at different places showing close intimacy between the petitioner and the prosecutrix. Petitioner is in custody since 24.08.2020.

Per contra, learned State counsel submitted that there is no proof of marriage between the petitioner and the complainant and the petitioner had established relations with the prosecutrix thereby committing an offence under Section 376 IPC.

Prima facie, it can be seen from the photographs that there was intimacy between the petitioner and the prosecutrix. Petitioner had filed petition under Section 9 of the Hindu Marriage Act even before lodging of the FIR. Challan has already been presented.

At this stage, without commenting up the validity of marriage and merits of the case, it would be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

01.12.2020

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**(RAJ MOHAN SINGH)
JUDGE**

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