

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

CRM-M-40251 of 2020.

Decided on:- December 09, 2020.

Gurtej Singh @ Teja.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioners have filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.7 dated 20.01.2017 under Sections 366 and 376 IPC registered at Police Station Hathoor, District Ludhiana.

As per the FIR, the allegation against the petitioner is that he proposed to the prosecutrix for friendship and she fell in his trap. He used to take her to hotels in Chandigarh, where he made physical relations with her on the pretext of marriage.

Learned counsel for the petitioner has argued that as per the FIR, the petitioner and the prosecutrix were in relationship for 7-8 years. The

prosecutrix had joined the IELTS classes and the petitioner had incurred her expenses, but she could not qualify the test. In support of his contention, he has relied upon the affidavit dated 19.03.2016 (Annexure P-2) furnished by the prosecutrix. The petitioner is in custody since 12.06.2020 after his surrender, as earlier he was declared a proclaimed offender.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 12.06.2020 and as per the allegations levelled in the FIR, the petitioner and the prosecutrix were in relationship for 7-8 years, this Court finds that the culpability of the petitioner is yet to be established during the trial and no useful purpose would be served by keeping him in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 09, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No