

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

CRM-M No.43206 of 2019

Date of decision: 26th February, 2020

Kuldeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Dhivya Jerath, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

The petitioner accused Kuldeep Singh has moved this second regular bail application under Section 439 Cr.P.C. (the earlier one having been dismissed by this Court on 06.09.2019) in case bearing FIR No.332 dated 06.09.2018 under Sections 376, 328, 316 IPC pertaining to Police Station Civil Lines, District Amritsar got registered by an unmarried lady aged around 30 years.

The brief allegations are to the effect that the complainant victim belongs to the scheduled caste category and while she was studying in Sant Longowal Institute of Engineering and Technology, Longowal doing her MBA, she met the accused petitioner who started mesmerizing the prosecutrix on the pretext of marriage and while the prosecutrix was working in an institute at Amritsar the accused approached her and in December 2017 on the promise of getting the

prosecutrix a job on hefty salary took her to a hotel and after deceptively mixing some intoxicating material in her food defiled the complainant. The prosecutrix for this act of the accused had scolded him and severed her relations and due to shame did not disclose the incident to anyone and it was subsequent thereto after she suffered medical complications revealed that she had got pregnant. The accused forcibly got the abortion conducted where a foetus of almost seven months was removed and it is thereafter the present case was got registered.

Learned counsel for the petitioner Ms. Dhivya Jerath, Advocate inter alia contends that the prosecutrix as per her own stand was 30 years old at the time of occurrence and had volunteered into this relationship over a long period of time. It is argued that the exchange of chats is illustrative of the multiplicity of these acts during the subsistence of this relationship. Arguing that the petitioner is behind bars since more than one year and that the trial is not likely to conclude in the near future, prayed for grant of relief.

Learned State counsel, Mr. C.L. Pawar, Sr. Dy. Advocate General, Punjab on instructions from ASI Harjinder Singh, Police Station Civil Lines, Amritsar has vehemently opposed the bail taking the plea that if allowed bail the petitioner might influence the trial which is underway and that the prima facie allegations are illustrative of heinousness of the offence.

Going through the arguments, it is sad to observe that the learned State counsel in his statement did not for obvious reasons point

out that more than seven months' pregnancy was aborted and a dead foetus was removed. Even the investigations appear to be fudged one. The prima facie question bears out how a young desolate poor girl belonging to scheduled caste category was duped, defiled and left in a lurch by the petitioner. The barbaric acts of the petitioner are reflective from the manner in which the foetus has been removed to kill the child which was on the verge of coming to this world. Without feeling necessity to advert on to the merits, lest it might prejudice the case of the party, in view of the apprehension of the State and the seriousness of allegations disentitles the petitioner to any relief. As such the petition being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 26, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No