

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

**CRM M-47280 of 2019 (O&M)
Date of Decision: October 15, 2020**

GoldiPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. C.R. Olla, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Goldi has moved this second regular bail application under Section 439 of Cr.P.C. in FIR No. 49 dated 21.05.2015 under Section 366 IPC and later on added offences under Sections 376-D, 120-B and 201 of IPC registered at Police Station Haibowal, Ludhiana, the first one having been

dismissed as withdrawn on 24.09.2019.

The present case was got registered by complainant Anil Kumar husband of the prosecutrix a lady aged around 35 years with kids. It is alleged that while he had gone out of the home and his wife was in the house and on his return he saw that the wife had gone missing. During the course of events, it transpired that she has been enticed away by one Hemant. Subsequently, during investigation, it was revealed that the prosecutrix had multiple relationships including with one Kaushik Mehta and two other persons and the petitioner happens to be the third in this chain of relations with the prosecutrix and had resided together.

Mr. Chand Ram Olla, learned counsel for the petitioner, *inter alia*, contends that the petitioner is behind the bars since 03 years and 02 months and that it was a relationship of a married lady with grown up kids with multiple persons and the petitioner has been falsely implicated to be fleeced.

Mr. J.S. Ghumman, DAG, Punjab learned State counsel does not displace the facts and has opposed the bail on the grounds of heinousness of the offence.

Be so as it may, as reflected from the submissions of the learned State counsel that the prosecutrix at the time of the commission of the offence was more than 35 of years with

grown up kids. Furthermore, she was in multiple relationships throughout this period and in the light of the facts a debatable issue arises over the applicability of the offence under Sections 366, 376-D, 120-B and 201 of IPC, which could only be adjudicated at the time of final adjudication of the matter. Thus, keeping in view the period of incarceration and prevalent situation of pandemic COVID-19, this Court deems it appropriate to grant the bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

October 15, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No