

CRM-M-4300-2021

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

CRM-M-4300-2021

Date of decision: 03.03.2021

Rajbir @ Suraj

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K.Sandhir, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Arpan Sabharwal, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.147 dated 14.09.2020, registered at Police Station Model Town, Police Commissionerate Ludhiana, under Sections 376 and 417 IPC.

Learned counsel for the petitioner contends that the petitioner and the complainant had been in a live-in-relationship for the last one year and during the said period, there was no complaint whatsoever filed by the complainant, a 27-year-old two times married lady. However, she had only obtained a panchayati divorce from her first husband and not any divorce from the competent court. In support of his contentions, he relies upon the judgment rendered by the Hon'ble Supreme Court in **Pramod Suryabhan**

Pawar Vs. **The State of Maharashtra & Anr.** 2019 (4) R.C.R.

CRM-M-4300-2021

(Criminal) 135. The petitioner has been in custody since 18.09.2020.

On the other hand, the learned State counsel opposes the prayer made in the present petition. However, he does not dispute the custody period of the petitioner.

Learned counsel for the complainant submits that he has instructions to state that the complainant had given a statement on 25.02.2021 before the trial Court in favour of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.09.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.03.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No