

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

CRM-M-1169-2021(O&M)

Date of decision : 21.01.2021

Shivam

... Petitioner(s)

Versus

The State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Shikha Khullar, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Harmanpreet Singh, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.196 dated 07.11.2020 under Section 376 of the Indian Penal Code, 1860 registered at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioner would contend that the complainant is a 30 years' old lady who was in consensual relationship with the petitioner. She would further contend that in the statement of complainant recorded under Section 164 CrPC, the Prosecutrix has stated that she does not want to proceed against the petitioner.

Learned counsel for the State on instructions from ASI Surjit Singh has stated that the Prosecutrix has not supported the version of the prosecution in her statement recorded under Section 164 CrPC and in fact, she has stated that she does not want to proceed against the petitioner.

I have heard learned counsel for the parties.

In the present case the petitioner is a young boy of 21 years and is a student. As per learned counsel for the petitioner, the petitioner and the Prosecutrix were in consensual relationship and the Prosecutrix in her statement recorded under Section 164 CrPC has stated that she does not want to proceed against the petitioner.

In view of the above and without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

21.01.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO