

CRM-M-12354-2021

Date of Decision: 22.03.2021

Mandeep Singh @ Kaku

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 251, dated 05.12.2020, registered at Police Station Talwandi Sabo, District Bathinda, for the alleged commission of offences punishable under the provisions of Sections 363/366/376 (2) (n) of the IPC.

Learned counsel for the petitioner submits that “a zero FIR” having initially been registered at Police Station Dabwali, District Sirsa (Haryana), it was initially sent to District Mansa (Punjab) for registration of a 'regular FIR', but with the Mansa police having sent it back, stating that no offence was made out.

Thereafter, he submits that the matter was sent by the SHO Police Station Dabwali to the SHO Police Station Talwandi Sabo, District Bathinda, where, without conducting any enquiry, the FIR in question has been registered.

He points to the fact that, admittedly, even as per the FIR, the petitioner and the prosecutrix were in a live in relationship, they both being in their mid to late 30s', and her only allegation being that he continued to have a physical relationship with her on the pretext of marriage.

Upon query to learned State counsel, he could not deny, even on the basis of the FIR, that the parties were obviously in a live in relationship but he submits that the said relationship continued on the alleged promise of the petitioner that he would perform marriage with the prosecutrix.

Upon further query, he does not deny that both the petitioner and the prosecutrix are actually in their mid to late 30s'.

That being so, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

March 22, 2021		(AMOL RATTAN SINGH)
nitin		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether Reportable	Yes/No.