

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

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**CRM-M-12914-2021
Decided on : 06.09.2021**

Gurpreet Singh @ Goldy

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Dhivya Jerath, Advocate
for the petitioner(s).

Mr. Sarabjit Singh Cheema, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The the instant petition has been filed under Section 439 Cr.P.C. seeking grant of bail to the petitioner, in case FIR No. 263, dated 10.10.2019, registered under Sections 365, 376 (D), 376(2)(N), 384 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, lodged at Police Station Lehra, District Sangrur, Punjab.

Learned counsel for the petitioner submits that essentially it was a consensual relationship between two adults, as would be evident from DDR No. 12, dated 07.10.2019 (Annexure P-2), wherein, the said fact finds reflected. Learned counsel further submits that the delay of five months in the lodging of the FIR in question further lends credence to a fabricated case having been foisted upon the petitioner, despite the fact of the petitioner and the prosecutrix being in consensual relationship. Learned counsel further submits that the co-accused Jagdeep Singh @ Jolly, against whom allegations were levelled in the FIR in question, has since been declared innocent by the investigating agency and placed in column No.2.

A prayer has, therefore, been made that since no charges have been framed

yet and there is no likelihood of the trial concluding anytime in the near future, the petitioner be extended the concession of bail.

On the other hand, learned State counsel has vehemently opposed the grant of bail to the petitioner. She has controverted the submissions made by learned counsel for the petitioner and submits that even if it was a consensual relationship between the parties, as submitted by the learned counsel for the petitioner, the said consent would be of no consequence, as the victim was a minor being just 17 years of age. He has submitted that no doubt in the DDR dated 07.10.2019, the victim had stated that she was about 18½ years old of age, however, it was very apparent that she had given a wrong statement with respect to not only her age, but also her parentage, as she and the petitioner had been caught by the police in a compromising position at a public place. Learned State counsel has further submitted that in the aforementioned DDR, the victim had also concealed her actual name and wrongly stated that her father's name was Lachman Singh, instead of Amarjit Singh.

Learned State counsel has further submitted that during investigation enough material had been collected, which revealed that the prosecutrix was indeed a minor. Learned State counsel has also invited the attention of this Court to the statement of the victim made under Section 164 Cr.P.C., wherein, the victim has levelled specific allegations against the petitioner of committing rape upon her and thereafter, blackmailing her that in case she revealed the incident to anyone, he would make her objectionable and nude photographs viral. Learned State counsel has submitted that in the aforementioned background, the delay of five months, if any, in the lodging of the FIR, cannot be stated to be fatal.

Heard.

In the facts and circumstances of the case and keeping in view the nature and gravity of offences, this Court is not inclined to extend the concession of bail to the petitioner.

Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 06, 2021

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No