

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

Sr. No.206

CRM-M-18260-2021

Date of decision: 21.05.2021

Harbans Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arshit Goel, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. A.G., Punjab.

Mr. Varun Dhawan, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.215 dated 18.12.2020 registered under Sections 376, 120-B and 313 IPC at Police Station Urban Estate, District Patiala.

The prosecutrix filed a complaint with the police as per which she and the petitioner's son namely Gurlal Singh had a love affair in the course of which both of them developed physical relations resulting in the prosecutrix's pregnancy; the prosecutrix then informed the petitioner and his wife with regard to the pregnancy and they advised her to get an abortion as also told her that they would help her in getting it done; the prosecutrix then got herself aborted and requested the petitioner and his wife to get their son Gurlal Singh and her married, which the petitioner, his wife and his son refused; rather, the petitioner, his wife and his son abused the prosecutrix and threw her out of their house.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to the fact that the petitioner's son and the prosecutrix after having attained majority had a love affair which before the filing of the FIR in question ended on a sour note; the

petitioner has been in custody since 13.01.2021; there is no other criminal case pending against the petitioner; the prosecutrix while appearing before the Trial Court as a witness of the prosecution has exonerated the petitioner of the charges levelled against him and that in the afore circumstances, no useful purpose would be served in further incarceration of the petitioner.

Learned State counsel as also learned counsel appearing for the complainant admit to the fact that the prosecutrix while appearing before the Trial Court as a prosecution witness has exonerated the petitioner and has been declared hostile.

The petitioner has been in custody since 13.01.2021; there is no other criminal case pending against the petitioner; the prosecutrix while appearing before the Trial Court as a witness of the prosecution has exonerated the petitioner of the charges levelled against him and in the afore circumstances, no useful purpose would be served in further incarceration of the petitioner.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Patiala, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

May 21, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No