

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

(Sr. No. 217)

CRM-M No. 18768 of 2021

Date of decision : 21.05.2021

Aravpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Santpal Singh Sidhu, Advocate for the petitioner.
Mr. Harpreet Singh Multani, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been 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.26 dated 14.03.2021 under Sections 376, 506 IPC registered at Police Station Sadar, district Jalandhar.

Briefly stated, the case of the prosecution is that the prosecutrix, a 24 year old girl, during the course of her employment met the petitioner and such meetings turned into a love affair between them, in the course of which, under threats by the petitioner and on the pretext that he would marry the prosecutrix they had physical relations but later, the petitioner refused to marry the prosecutrix.

Learned counsel for the petitioner contends that the petitioner who is a 28 year old young man has been falsely implicated in this case due to relations between the petitioner and the prosecutrix having turned sour;

the petitioner is not involved in any other criminal case; he has been in custody for the last over two months; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; there is no medical or scientific evidence to link the petitioner with the alleged crime; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, on the face of it, it shows that the petitioner and the prosecutrix, both majors, were in a consensual relationship; the petitioner was falsely embroiled in the present case when the prosecutrix came to know about him getting engaged to be married to some other girl and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is an accused of having repeatedly raped the prosecutrix.

Whether the petitioner and the prosecutrix had a consensual relationship would be debated during the petitioner's trial. However, the petitioner who is aged 28 years has been in custody for the last over two months; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the petitioner has no criminal antecedents and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, 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,

Jalandhar 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.

21.05.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No