

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

(Through Video Conferencing)

CRM-M-28170-2021

Date of Decision: 28.07.2021

SUJJAL KUMAR @ LUVI BEDI

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.213 dated 21.11.2019 lodged under Sections 363, 366 and 376 of the Indian Penal Code, 1860, registered at Police Station 'B' Division, Amritsar City, District Amritsar, Punjab.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner who has been falsely implicated in the case in hand has been in custody since 23.11.2019 on the allegations of making the prosecutrix accompany him to various places and raping her repeatedly after threatening her with dire consequences.

Learned counsel for the petitioner submits that on the face of it, it is a case of a consensual relationship in as much as both the petitioner and the prosecutrix were major and it could not be believed that the prosecutrix chose to keep mum during her entire stay with the petitioner as she never raised any hue even though she remained in public gaze throughout.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Amarjit Singh, has submitted that an application under Section 319 Cr.P.C. has been moved by the prosecution which has resulted in the trial getting delayed.

Heard.

In view of the submissions made by learned counsel for the petitioner coupled with the fact that the petitioner has been custody since 23.11.2019 and also the factum of forcible rape as alleged in the FIR in question would be a subject matter to be considered at the time of trial, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 28, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

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