

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

CRM-M-28797-2021 (O&M)

Date of Decision: 12.08.2021

(Heard through V.C.)

Prince Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.S. Sullar, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.40 dated 14.04.2021, under Sections 376 and 506 of IPC (Section 384 IPC added subsequently) registered at Police Station Ghanaur, District Patiala.

Learned counsel for the petitioner would argue that in fact a reading of the FIR would reveal that the complainant and the petitioner were in a consensual relationship and when the petitioner did not agree to marriage, the instant FIR has been registered under Section 376 IPC. It is argued that even as per the averment made in the FIR, the relationship had been established almost 6-7 years ago. It is further submitted that the matter has been investigated and the challan presented and the charges framed, therefore, the custody of the petitioner would no longer be required.

Learned counsel for the respondent-State opposes the grant of regular bail referring to the allegations but is not in a position to deny the fact that the investigation stands completed and the trial is likely take some time to conclude.

I have heard counsel for the parties and have also perused case file.

In view of the aforesaid factual position and the facts that the matter stands investigated; challan has been presented and charges have been framed, I deem it appropriate to allow the benefit of regular bail to the petitioner. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

12.08.2021

ps-I

Whether speaking/reasoned :
Whether Reportable :

(JAISHREE THAKUR)
JUDGE

Yes No
Yes No