

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

217+105

**CRM-M-30078-2020 (O&M)
Decided on : 26.10.2021**

Gurpartap Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Aakash Singla, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, AAG, Punjab
assisted by ASI Jagtar Singh.

Mr. Tejinder Pal Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-26284-2021

Affidavit of the complainant and account of Statement
(Annexure R-1) filed along with the application are taken on record, subject
to all just exceptions. Office to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-30078-2020

The instant petition has been filed under Section 439 Cr.P.C.
for grant of bail to the petitioner in case FIR No. 37, dated 21.02.2020
(Annexure P-1), under Section 376 of IPC (added later on Sections
376(2)(n) & 420 of IPC), registered at Police Station City Dhuri, District
Sangrur.

It is the case of the petitioner that a perusal of the contents of
the FIR in question clearly reveal that it was a consensual relationship

between two mature adults and there was no question of luring the prosecutrix into any physical relationship on the pretext of marriage as she was well aware about the petitioner's marital status. Learned counsel has also submitted that there was documentary evidence on record that the prosecutrix while being in a relationship with the petitioner had travelled with him to various places including Thailand and hence in the aforementioned circumstances, the version put-fourth by the prosecutrix that she had been forcibly raped by the petitioner on the pretext of solemnizing marriage, was clearly devoid of any merit.

Learned counsel has thus prayed that the petitioner has been in custody since 04th July, 2020 and the prosecutrix, who is the only material witness, stands examined, therefore, he be extended the concession of bail, as 18 more prosecution witnesses remained to be examined.

Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by counsel opposite, on instructions from ASI Jagtar Singh, has apprised the Court that the prosecutrix while stepping into the witness-box, reiterated her allegations against the petitioner of establishing physical relations with her on the pretext of marriage. Learned State counsel on instructions, has further fairly conceded that the prosecutrix is the sole material witness, who stands examined. She has further apprised that the next date before the trial Court is fixed for 28th October, 2021, when some more prosecution witnesses are likely to be examined.

I have heard learned counsel for the parties and perused the material on record.

The material witness i.e. the prosecutrix, stands examined. The trial is unlikely to concluded in the near future, as 18 more prosecution

witnesses remain to be examined, therefore, his further incarceration would not serve any useful purpose.

In the facts and circumstances of the case as enumerated hereinabove, the petition is allowed. The petitioner be admitted to bail to the satisfaction of 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.

(MANJARI NEHRU KAUL)
JUDGE

October 26, 2021

J.Ram

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