

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

CRM-M- 38982-2021 (O&M)

**Date of Decision: 23.09.2021
(Heard through VC)**

Khushwant Singh

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Preetinder Singh Ahluwalia, Advocate
 for the petitioner.

Ms. Rashmi Attri, AAG, Punjab

JAISHREE THAKUR, J.(Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in FIR No. 149 dated 01.07.2021, under Sections 376, 376 (2)(n) and 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case by the complainant, who is a married woman having a seven year old son. It is contended that at best, it can be taken that there was a consensual

relationship between the parties and even if there was an alleged promise to marry the complainant, the same would not constitute an offence of rape considering the fact that the complainant being a married woman was not free to solemnize another marriage in any case. It is contended that the petitioner herein is in custody since 09.08.2021. The matter stands investigated and the challan stands presented and the trial is likely to take time to conclude. To support his arguments, learned counsel for the petitioner relies on the judgment rendered in '*Prashant Bharti vs. State of NCT of Delhi, in Criminal Appeal No. 175 of 2013 arising out of SLP (criminal)-1800 of 2009 dated 23.01.2013*', wherein in similar circumstances, the proceedings were quashed.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, vehemently opposes the grant of regular bail to the petitioner, while submitting that offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the matter stands investigated and challan stands presented.

I have heard learned counsel for the parties.

The trial is likely to take some time to conclude. The petitioner herein has been in custody since 09.08.2021. The matter stands investigated and the challan stands presented. No useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of concerned trial Court/Duty

Magistrate.

Anything observed in this order shall not be construed as an expression of opinion on merits of the case.

23.09.2021

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No