

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

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**CRM-M-38984-2021
Decided on : 23.09.2021**

Jagmohan Singh alias Jagga

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Kapil Khanna, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Jagsir Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 0095, dated 08.06.2021 (Annexure P-1), under Section 376 of IPC, registered at Police Station City-1, Sangrur (Punjab).

Learned counsel for the petitioner has straightway invited the attention of this Court to the allegations levelled in the FIR in question, which is annexed as Annexure P-1. He has submitted that as per the admission of the prosecutrix herself, who is 48 years of age, she had been in a relationship with the petitioner for almost 02 years. Learned counsel has further submitted that a perusal of the FIR also reveals that the prosecutrix who has strained relations with her husband, had travelled and lived with the petitioner at various places. However, later on, the relations between the petitioner and the prosecutrix turned sour, as a result of which, she foisted the FIR in question by leveling allegations of rape against the petitioner. Learned counsel has further submitted that subsequently, the prosecutrix also gave a self-declaratory affidavit (annexed as Annexure P-2), wherein, also she has admitted to having been in a live-in relationship with the

petitioner and it was on account of some differences, she had got registered the FIR in question against the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 26th July, 2021 and till date only challan stands presented. There is no likelihood of the trial concluding anytime in the near future, hence, the petitioner be extended the concession of bail.

On the other hand, learned State counsel on instructions from SI Jagsir Singh has apprised the Court that challan stands presented. He, however, has not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner with respect to the allegations leveled in the FIR in question. Learned State counsel has further submitted that the investigation is complete and the final report under Section 173 Cr.P.C. stands presented.

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

In the facts and circumstances of the case as enumerated hereinabove, I deem it a fit case to extend the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is 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

September 23, 2021

J.Ram

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