

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

CRM-M-43249 of 2020

Date of Decision: 04.01.2021

Gursewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.194 dated 11.09.2020 under Section 376 IPC registered at P.S Canal Colony, District Bathinda.

Case was registered on the statement of prosecutrix, who alleged that she is post-graduate and was preparing for IELTS at a Centre in Bathinda. She met the petitioner at marriage ceremony in her maternal aunt's house where the petitioner took her contact number. The petitioner wanted to marry the prosecutrix. In the month of August 2019, the petitioner, who was accompanied by his friend Parminder Singh, took her to Hotel Royal Lodge. At the the hotel, the petitioner is alleged to have made illicit physical relations with the prosecutrix against her will. Though initially the petitioner stated that he would marry prosecutrix but later on he backed out. The petitioner is alleged to have raped the prosecutrix number of times at different places.

Learned counsel for the petitioner contends that said Hotel Royal Lodge, Bathinda came into existence after month of March 2020. In

order to substantiate his plea, he has relied on various documents P.2 to P.6. The petitioner is 21 years old whereas the prosecutrix is 23 years of age. It is contended that it is totally a false case as the complaint was lodged after delay of one year and one month and that the petitioner is in custody since 05.10.2020.

Opposing the petition, the learned State counsel has submitted that investigation is complete and the challan has already been presented.

Without commenting anything on the merits of the case and also bearing in mind the facts of this case, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Gursewak Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly

January 04, 2021
manoj

(Harinder Singh Sidhu)
Judge

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