

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

**CRM-M-51031-2021 (O&M)
Date of Decision:10.12.2021**

Vijay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Kanav Bansal, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in FIR No.17 dated 29.01.2021 under Section 376 IPC, registered at Police Station City 2 Mansa, District Mansa.

Counsel for the parties have been heard.

FIR came to be registered on the statement of the complainant/victim who claimed her year of birth to be 1993.

Allegations are that the complainant had solemnized marriage with one Amrik Singh on 11.11.2004. Two children were born out of the wedlock. As per complainant's version she was not happy with her married life as her husband was addicted to intoxicants and used to physically assault her and demand money.

The accused/present petitioner is stated to be residing in front

of her matrimonial home. Allegations in a nutshell are that the petitioner on the false pretext of marrying the complainant, induced her to get a *Panchayati* divorce from her husband. Thereafter the complainant even gave two lacs rupees to the accused so as to facilitate purchase of a plot in City Mansa. It is further alleged that the complainant was repeatedly assaulted sexually.

The FIR has been registered on the allegations that now the accused is not keeping up his promise and is refusing to marry the complainant.

Counsel has argued that it is a case of false implication. The complainant is a married lady who at the time of registration of the FIR was almost 30 years of age.

There is no medical evidence in support of the allegations as regards sexual exploitation.

It is further urged that the petitioner/accused is being roped in only to extract money.

Petitioner was arrested on 01.02.2021. Investigation having been completed, challan was presented on 17.03.2021 and charges were framed on 23.08.2021.

Learned State counsel has apprised the Court that out of 11 prosecution witnesses cited, none has been examined till date.

The trial in the present case would take time to conclude.

The offence whether made out under Section 376 IPC would be subject matter to be gone into by the trial Court.

Keeping in view the length of incarceration in excess of 10

months and without opining on the merits of the case, petitioner is held

entitled to the benefit of bail.

Petitioner namely Vijay Kumar be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.12.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No