

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

CRM-M-3407-2020
Decided on : 04.03.2022

Pritpal Singh Cheema @ Pali Baba

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S.Ahluwalia, Advocate
 for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.121 dated 16.04.2018 under Sections 376, 506 and 34 IPC registered at Police Station Sultanpur Lodhi District Kapurthala.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 15.03.2019. As per the allegations levelled in the FIR in question, the petitioner, who was a self proclaimed spiritual healer, exploited his influence on the sister of the complainant i.e. prosecutrix and established physical relations with her for as long as 13 years, by convincing her and her parents that she would be cured of all her medical ailments. It has been further submitted that an application under Section 319 Cr.PC moved by the prosecution for summoning the wife of the petitioner, Amarjit Kaur, was allowed and thereafter charges reframed on 03.02.2022. Learned counsel submits that the evidence of the prosecutrix,

who is the material witness in the case in hand, stands recorded again after the application under Section 319 Cr.PC was allowed and since 21 prosecution witnesses remain to be examined, the trial will take considerable time to conclude. Learned counsel further submits that a perusal of the contents of the FIR in question leave no manner of doubt that it was essentially a case of consensual relationship between two mature adults as the prosecutrix was admittedly 22 years of age when she first met the petitioner. Learned counsel has also submitted that after the FIR was registered and during investigation, an inquiry (Annexure P-2) was conducted by SP (I), Kapurthala wherein it surfaced that the allegations of forcible relationship between the petitioner and the prosecutrix were false and there had been some financial dispute between the brother of the prosecutrix i.e. complainant and the petitioner. He has also submitted that during her deposition, the prosecutrix too had admitted to have been in a relationship with the petitioner for as long as 13 years.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to dispute the findings of the inquiry annexed as Annexure P-2, conducted by SP(I), Kapurthala. Learned State counsel on instructions from ASI Balwinder Singh, however, submits that another criminal case stood registered against the petitioner in the State of Himachal Pradesh but in the said case, all the material witnesses had been declared hostile as they did not support the case of prosecution and in the said criminal case the petitioner had since been enlarged on bail by the Court concerned.

Heard learned counsel for the parties and perused the relevant material on record.

Admittedly, a *de novo* trial has commenced after the summoning of additional accused Amarjit Kaur and subsequently the evidence of the prosecutrix has been recorded again. Learned State counsel on instructions has not raised any apprehension of the petitioner fleeing from the process of justice in case he is enlarged on bail.

In view of the above and in particular on account of the long incarceration of the petitioner, who admittedly has been in custody for three years, this Court deems it fit to extend the concession of bail to the petitioner as the trial will take considerable time to conclude. Accordingly, the present petition is allowed. The petitioner be admitted on bail to the satisfaction to the trial Court/Duty Magistrate concerned. 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

04.03.2022

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No