

CRM-M-8196-2022

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

CRM-M-8196-2022

Date of decision: 25.05.2022

Mohit Mehta

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parveen Kumar, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition (the first one having been dismissed as withdrawn at that stage and the second one having been dismissed as withdrawn with liberty to file a fresh one, as and when the prosecutrix was examined, vide orders dated 25.11.2020 and 12.11.2021, respectively), the petitioner seeks regular bail in case bearing FIR No.34 dated 04.02.2020, registered at Police Station Dera Bassi, District SAS Nagar, under Section 376 IPC.

Status report dated 25.05.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division Derabassi, District SAS Nagar, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that the petitioner and the prosecutrix had been living in a live-in-relationship for more than one and half years. He draws the attention of this Court towards

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representation/complaint (Annexure P-3) moved by the prosecutrix to the Station House Officer, Police Station Women, Ambala, to indicate that she had been in a love affair with the petitioner and staying together for one and half years, that owing to some differences occurred between them, the petitioner had annoyed at her, and that she wanted to marry him. The aforesaid representation reiterates that they had been living in a live-in-relationship.

Learned counsel for the petitioner further draws the attention of this Court towards the cross-examination of PW 2 complainant-victim, recorded on 20.05.2022, wherein she admitted that she had given the aforesaid complaint to the police on 17.09.2019. The petitioner has been in custody since 27.08.2020. The witnesses are yet to be examined.

On the other hand, learned State counsel, while opposing the prayer for the grant of bail to the petitioner, submits that there are serious allegations against the petitioner that he had raped the victim-complainant on the pretext of marrying her.

I have heard the learned counsel for the parties.

A perusal of the documents on record as well as the initial statement got recorded by the complainant under Section 164 Cr.P.C., it would reveal that the petitioner and the complainant had been living in a live-in-relationship for more than one and half years; that even at one stage, the complainant was ready to marry him; that during her cross-examination before the trial Court, she admitted that she made the complaint to the police on 17.09.2019, which was given to SHO Sunita, P.S.Ambala. In the said complaint, the complainant specifically stated that she and the

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petitioner had been living in a live-in-relationship for more than one and half years, and she wanted to marry him.

The petitioner has been in custody since 27.08.2020. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

25.05.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No