

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

CRM-M-26025-2020

Date of decision : 07.03.2022

Ropneet Singh @ Baaj

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the petition is for grant of regular bail to the petitioner in case FIR No.16 dated 05.02.2019, under Sections 376-D, 506 of IPC, registered at Police Station Kathu Nangal, Amritsar Rural, District Amritsar.

As per the facts of the case, the present FIR was lodged by the prosecutrix. It was alleged that petitioner-Ropneet Singh @ Baaj used to visit house of her aunt i.e. bua and she became friendly with him. Ropneet Singh @ Baaj started calling her on phone and on 28.01.2019, he called her on phone at about 7:00 PM and promised her to marry. The petitioner-accused took her on motorcycle on saying that he is taking her to the office of one advocate. However, instead of taking her to the office of the advocate, she was taken to Village Sahnewal and thereafter, to Village Awdhal where two boys were already present. They started teasing her and on her repeated protest, all the three accused made physical relations with her. They raped her for about 2 ½ hours and went away leaving her alone. She manage to contact her parents and thereafter, the present FIR was lodged with a request to take legal action against the accused. The investigation commenced and petitioner was arrested on 05.04.2019. He approached the Court of learned Additional Sessions

Judge, Amritsar for grant of bail, who after hearing counsel for the parties, declined the same vide order dated 17.03.2020. Aggrieved by the same, petitioner has approached this Court for grant of bail.

During the pendency of the present petition, vide order dated 22.09.2020, it was submitted by counsel for the petitioner that the petitioner and the prosecutrix have solemnized marriage on 13.02.2019 whereas, the FIR was registered on 05.02.2019. Thereafter, on 16.10.2020, after having instructions from the State counsel, this Court granted the petitioner interim bail till the next date of hearing and since then the petitioner is on interim bail.

Learned counsel for the petitioner has submitted that the victim in the present case was 16 years of age and there are specific allegations of gang rape committed against her by the three accused. The petitioner was given interim bail on the contentions that subsequent to the lodging of the FIR, they have performed marriage. Learned counsel submitted that the petitioner has solemnized marriage with the prosecutrix on 13.02.2019 and at present, he is on interim bail since 16.10.2020 and he has never misused the said concession. The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time and as such the interim order already passed on 16.10.2020 may kindly be made absolute and he be enlarged on regular bail.

On the other hand, learned State counsel on instructions from ASI Kuldeep Singh has stated that the petitioner has obtained interim bail by misrepresenting the facts. Although, he solemnized the marriage with the prosecutrix but later on, he thrown her away from his house and at present the prosecutrix is residing with her mother. The charge in this case was framed on 05.02.2020 and the prosecutrix while deposing before the trial Court has fully supported the case of the prosecution which shows that the petitioner had performed marriage with the prosecutrix just to obtain the interim relief and

after getting the same, he deserted the prosecutrix and as such, he is not entitled to any relief of regular bail from this Court.

I have heard counsel for the parties and perused the record.

After hearing counsel for the parties, it is apparent that the petitioner has obtained interim bail by placing on record his marriage certificate and photographs with the prosecutrix in order to show his *bona fide* to live with the prosecutrix happily and this Court relying on the version of petitioner granted him interim bail vide order dated 16.10.2020. After obtaining interim bail, the petitioner deserted the prosecutrix-wife and now she is residing with her mother. She has fully supported the case of prosecution which shows that the petitioner had performed marriage with the prosecutrix just to get interim bail and his intention was not to keep the prosecutrix as his wife.

In these circumstances, I do not find it a fit case where the concession of regular bail should be granted to the petitioner.

Accordingly, the interim bail granted to the petitioner vide order dated 16.10.2020 is cancelled. He is directed to surrender forthwith.

07.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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