

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(107+227)

CRM-M-35083-2021 (O&M)
Date of decision:- 24.08.2022

Karamjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jasraj Singh, Advocate
for the applicant-petitioner.

Ms. Kanica Sachdeva, AAG, Punjab for State-respondent.

Mr. Anureet S. Sidhu, Advocate for the complainant.

SUVIR SEHGAL, J. (ORAL)

CRM-27427-2022

Application is allowed as prayed for.

Testimony of the prosecutrix is taken on record as Annexure
P-11.

Main case

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.14 dated 20.01.2021, registered for offence under Section 346 of the Indian Penal Code, 1860 (for short “IPC”), however, later on Sections 376, 366, 384 and 506, IPC were added, at Police Station Anaj Mandi, District Patiala, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of father of a 20 year old University going girl (for short “the prosecutrix”) on the allegation that three years earlier, she came in contact with Karamjit Singh (present petitioner), who was a Gym Trainer. He started harassing her during her visit to the Gym, so she left the Gym. On 17.01.2021, she left her paternal home and despite attempts, she could not be traced and her mobile phone was switched off. Complaint has been lodged by him on the suspicion that Karamjit Singh has abducted her.

Counsel for the petitioner submits that the petitioner and the prosecutrix has married. He has made a reference to the Marriage Certificate, Annexure P-3, which bears the signatures of both the parties. Reference has also been made by him to the statement of Pandit Deepak Vats recorded under Section 161 of the Code, who has stated that he has performed the religious ceremonies. He has invited the attention of the Court to the joint petitions filed by them before the Sessions Court as well as this Court and orders passed thereon (Annexure P-5 to P-9, respectively), wherein they have sought protection to their life and liberty from the parents of the prosecutrix and her relatives. Counsel submits that the relationship between the petitioner and the prosecutrix was consensual and the marriage subsists even today. He asserts that the petitioner, who has clean antecedents and is in custody since 26.02.2021, deserves to be enlarged on bail as the prosecutrix has been examined.

Per contra, learned State counsel, who is assisted by counsel for the complainant, have opposed the petition. They have submitted that the

prosecutrix has supported the allegations in her statement recorded under Section 164 of the Code as well as in her testimony. Counsel for the complainant submits that the parents of the prosecutrix are yet to be examined. It has been argued that the prosecutrix has been intimidated by the petitioner and accompanied him under a threat.

Having heard counsel for the parties, but without commenting upon the merits or demerits of the arguments addressed, this Court is of the view that the validity of the marriage and the complicity of the petitioner in the offence would remain a subject matter of debate before the Trial Court. Petitioner, who is in custody for the last more than one year and six months, would be entitled to be released on bail as the prosecutrix, who is most material prosecution witness, has been examined, twenty more witnesses are yet to step into the witness box and trial is not likely to culminate in the near future.

Petition is allowed.

Petitioner is ordered to be released on bail during the pendency of trial, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

24.08.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No