

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

(Sr. No. 209)

CRM-M No. 36654 of 2021

Date of decision : 24.03.2022

Vikas @ Ricky @ Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Sourav Khurana, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.169 dated 19.06.2021 registered under Sections 376, 417, 451 and 506 IPC at Police Station Sultanpur Lodhi, district Kapurthala.

The prosecutrix/complainant, who is a tailor by profession and is about 28 year old, filed a complaint with the police that the petitioner, on the pretext of marriage, had been sexually exploiting her for the last three years. On the basis of her complaint the FIR in question was lodged and after investigation of the same the police filed a report under Section 173 Cr.P.C. on the consideration of which the Trial Court charged the petitioner under Sections 376, 417, 451 and 506 IPC.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in this case because the love affair between the petitioner and the complainant could not culminate into marriage; the petitioner is in custody since 19.06.2021; the petitioner does not have any other criminal antecedents; the investigation in the case is complete; in the petitioner's trial the prosecutrix stands examined in chief and therefore, the petitioner is in no position to influence her; there is no medical evidence to support the allegations of rape/sexual assault; even if the case of the prosecution is taken as the gospel through, though vehemently denied, the same is apparently false as it is the case of the prosecutrix that for the last three years the petitioner had raped her but in this regard she did not file any complaint; the prosecutrix is a mature 28 year old working lady who entered into a relationship with the petitioner with her eyes wide open; only because such relationship did not end up in marriage she cannot be allowed to falsely implicate the petitioner for rape and that since 18 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of rape and that the prosecutrix has stood by her stand even while appearing as a witness for the prosecution before the Trial Court.

After considering the afore rival submissions, this Court is of the opinion that the present case is a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

24.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No