

CRM-M-53090-2021

Date of decision: 08.03.2022

SUKHBIR SINGH @ SUKHVIR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr.P.S.Sekhon, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated in Court today and the same is taken on record.

Sukbir Singh @ Sukhvir Singh-petitioner is seeking regular bail in the case bearing FIR No. 63 dated 27.08.2021 under Sections 365/343/328/323/376(2)(n)/506/120-B IPC, 1860, registered at Police Station Sherpur, District Sangrur.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix who is aged about 26 years alleging that her marriage was solemnized on 21.05.2021. The petitioner had been making calls to her and she had been chatting with him on Whats App. The petitioner threatened to disclose the relationship to her husband and also to eliminate him. On account of fear, the prosecutrix had been talking to him. On 14.08.2021, at the asking of the petitioner, the prosecutrix came out of the house. On account of threats extended to her by the petitioner, she accompanied him and was taken to some undisclosed place, she was administered some stupefying material which rendered her unconscious. Despite the refusal of the prosecutrix the petitioner forcibly made physical relationship with

left the phone in the room. She came out and informed her father.

Learned counsel for the petitioner contends that the prosecutrix is aged about 26 years and was in live-in relationship with the petitioner. Her relationship with her husband was strained. The petitioner and the prosecutrix had also entered into an agreement regarding live-in relationship dated 16.08.2021 (Annexure P-2). Furthermore, she had also sworn an affidavit dated 16.08.2021 (Annexure P-3) which is also indicative of the fact that she was in relationship with the petitioner.

The learned State counsel has opposed the bail application on the score that serious allegations of commission of rape have been levelled against the petitioner.

The investigation of the case is complete, challan has already been presented and the conclusion of the trial is likely to take sometime. The petitioner is in custody for a period of 06 months and 06 days. The prosecutrix is aged about 26 years and it will remain debatable during the course of trial as to whether the relationship was consensual or not. As such, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

08.03.2022
renubala

(VIVEK PURI)
JUDGE

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