

CRM-M-50933-2022

Date of decision: 07.12.2022

AMARDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suveer Sheokand, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Mr. Rishu Mahajan, Advocate has put in appearance on behalf of the complainant and filed memo of appearance, which is taken on record.

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

Amardeep Singh-petitioner is seeking regular bail in the case bearing FIR No.187 dated 27.09.2022, under Sections 376/420 IPC, registered at Police Station Basti Bawa Khel, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner and the prosecutrix are major and were in physical relationship mutually and with the consent of each other. The allegations are to the effect that the petitioner had lastly made sexual relations with the prosecutrix in September 2020. The allegations are to the effect that the physical relationship was developed on the false pretext of marriage. The prosecutrix had even earlier submitted two complaints against the petitioner before the police authorities but after an enquiry, both were filed. The marriage of the petitioner has been solemnized on 22.04.2022 and thereafter, the present FIR levelling false allegations has been got registered. The investigation of the case is complete and challan has been presented.

Learned State counsel has opposed the bail application on the score

that the petitioner is in custody for a period of 02 months and 09 days and has not disputed the fact that the challan has been presented and even, the prosecutrix was not medically examined.

Learned counsel for the complainant has also opposed the bail application on the score that the prosecutrix is yet to be examined during the course of trial.

Be that as it may the instant case indicates that the petitioner and the prosecutrix were in relationship spreading over a period of about 05 years. The allegations are to the effect that the petitioner had developed sexual relations on the false pretext of marriage with the prosecutrix. It will be a debatable and moot point during the course of trial as to whether the sexual relationship was developed on the false pretext of marriage or the same was consensual one. The petitioner is in custody for a period of 02 months and 09 days and is not involved in any other case. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of 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.

07.12.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No