

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

221

**CRM-M No. 14802 of 2023
Date of Decision : 28.3.2023**

*Gurpreet Singh @ Gopi**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Parminder Singh, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.79 dated 6.6.2021 under Sections 376 (2)(n), 506 and 201 IPC, registered at Police Station E-Division, Amritsar.

2. The FIR has been lodged on the statement of victim, aged about twenty years, stating that she is a student of B.A. II year and came in contact with the petitioner in college. He proposed to marry her. On 25.2.2021, he took the complainant to Golden Temple, and thereafter to a hotel nearby, and kept her there for two days. He made physical relations with her many times without her consent on the pretext of marrying her. Thereafter, both of them stayed for ten to twelve days in different cities like Anandpur Sahib etc. and continued to have physical relations. But the petitioner did not marry her and also kept her in dark about the fact that he was already married. He also threatened the complainant that in case she disclosed about the physical relations to anyone, she would be killed and her nude photographs in his mobile will be made viral.

3. Learned counsel for the petitioner contends that as apparent from the allegations levelled, the relationship between the petitioner and the complainant was consensual. She willingly accompanied the petitioner to Amritsar and other places and stayed with her in hotels. A reference has been made to mobile chat between the complainant and her sister dated 9.3.2022 (Annexure P-2), which shows the complainant was aware of the fact that the petitioner was already married and had children also. It is further submitted that investigation of the

case is complete.

4. Learned State counsel, on instructions from HC Manjit Singh, submits that investigation of the case is complete but charges are yet to be framed. There are twenty witnesses to be examined. Therefore, the petitioner should not be released on bail.
5. The submissions made by learned counsel for the parties have been considered.
6. It is apparent on record that the parties were known to each other and had stayed together for about two weeks in different cities. The FIR was lodged about three months thereafter. The prosecutrix is an adult. Whether offences alleged are made out against the petitioner is a matter of trial, which will take a long time to conclude. Investigation of the case is already over. Therefore, no useful purpose will be served by confining the petitioner to custody, any longer.
7. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

28.3.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No