

208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19173-2023 (O&M)
Date of decision : 28.07.2023

Gursewak Singh alias Laddi ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Mohit Kumar, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.09 dated 07.12.2022 under Sections 376, 506, 376(2)(n) of the Indian Penal Code, 1860 registered at Police Station Sangrur, District Sangrur.
2. Learned counsel for the petitioner would contend that initially the allegation in the FIR was that the complainant had come in contact with the petitioner at a wedding and thereafter she used to talk to him over the phone. Subsequently, they developed intimate relations and she resided with the petitioner for over a period of 03 years and thereafter when she asked

him to get married to her he started making excuses. It is further the allegation in the FIR that subsequently the petitioner agreed to get married, however, later he resiled from his commitment. Learned counsel would further contend that the petitioner and the complainant were in a consensual relationship for over a period of 03 years and during that period there were no complaints. Learned counsel would further contend that the statement of the complainant/victim has since been recorded and she has also been cross-examined. Learned counsel has pointed out to the statement of the complainant/victim and has stated that there is now an improvement sought to be made by stating that the petitioner lured the complainant into a relationship on the pretext of marriage. It is further the contention that the petitioner has been in custody for a period of 06 months and 13 days and that there is no other case pending against the petitioner.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 06 months and 13 days. Learned counsel has stated that the complainant/victim has since been examined as also cross-examined. He has further stated that there are serious allegations against the petitioner and hence it is not a fit case for grant of bail to the petitioner.

4. Learned counsel for the complainant has also stated that physical relations were established on the pretext of marriage and that serious allegations have been made against the petitioner in the FIR and the petitioner does not deserve the concession of bail.

5. Heard.

6. In the present case the allegations in the FIR were that the complainant had met the petitioner at a wedding and thereafter they used to talk on a phone. Later the petitioner and the complainant developed intimate relations and the complainant lived with the petitioner for over a period of 03 years and it is only subsequently that she asked him to get married to her. The statement of the complainant/victim has since been recorded. The petitioner has been in custody for a period of 06 months and 13 days and there is no other case pending against the petitioner as per the custody certificate. The petitioner has clean antecedents as per the custody certificate. The complainant also stands examined and cross examined in the present case. The trial is likely to take some time to conclude.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

28.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO