

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 217

Criminal Miscellaneous No.M-53120 of 2022

Date of Decision: January 30, 2023

Prince Madaar @ Prince Kumar

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Kunal Vinayak, Assistant Advocate General Punjab.

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Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 259 dated 05.09.2022, under Sections 376, 450 IPC and Section 67(A) of the Information Technology, Act, 2000, registered at Police Station Rama Mandi, District Police Commissionerate Jalandhar, Punjab.

The allegations against the petitioner are that he has developed physical relations with the complainant, a married woman, on the pretext of getting married to her and taking care of her daughter as well. They came in contact with each other in August, 2020, and thereafter the relations between the two deepened. The petitioner started staying in the complainant's house itself, since she had continuing disputes with her husband, who was staying away.

Learned counsel for the petitioner contends that it is apparent that relationship between the petitioner and the complainant was

consensual, and it cannot be believed that she, despite being a married

woman, would be deceived by the petitioner on the pretext of getting married again. It is a matter of fact that even at the time of lodging of the FIR and as on date, the complainant's earlier marriage has not been dissolved by decree of divorce. By referring to her testimony before the trial Court, learned counsel states that she has not supported the prosecution, and has also admitted that her divorce petition is still pending in Court.

Learned State counsel, on instructions from ASI Harbhajan Lal, states that trial of the case is going on and nine out of the sixteen witnesses have already been examined. Therefore, the petitioner should not be admitted to bail. He, however, is not in a position to dispute the fact that the prosecutrix has already been examined and the petitioner remains in custody since 06.09.2022.

In this background, when trial of the case is not likely to conclude in near future and the prosecutrix/material witness has already been examined, no useful purpose would be served by keeping the petitioner in custody during trial.

In view thereof, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

January 30, 2023
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