



Sr. No.228+109

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-17864-2024 in/and
CRM-M-12980-2024 (O&M)
Reserved on: 26rd April 2024
Date of decision: 18th May, 2024

SOMNATH SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Sandeep Kumar Bansal, Advocate and
Mr. H.P.S. Ishar, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J.

CRM-M-12980-2024 (O&M)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.67 dated 25.11.2023, under Sections 376, 506 of IPC, 1860, registered at Police Station Tallewal, District Barnala (Annexure P-3).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is an Army personnel and he is in custody since 26.11.2023. Investigation is complete and final report/challan under Section 173 Cr.P.C. has been presented before the trial Court (Annexure P-4). The relationship *inter se* the petitioner and the prosecutrix was consensual. The report of medical examination and Forensic Science Laboratory are not suggestive of any sexual assault upon the prosecutrix.



3. On the other hand, the learned State counsel as well as learned counsel for the complainant contend that the prosecutrix has supported her version in her statement recorded under Section 164 Cr.P.C. (Annexure R-1). The statement of the prosecutrix is yet to be recorded during the trial. In case the petitioner is released on bail, there is apprehension of tampering with the prosecution evidence.

4. I have considered the aforesaid contentions and perused the paper book.

5. As per the case of the prosecution, the prosecutrix came in contact with the petitioner through Instagram. The petitioner came to Ludhiana to meet the prosecutrix and asked her to solemnize marriage with him. The petitioner pretended in front of the prosecutrix that he wants to solemnize marriage with her, however, there was no consent from the family members of the prosecutrix. As such, on 28.02.2021, the petitioner and the prosecutrix went to Kotkapura and started living together in a rented accommodation. They stayed together for a period of one year and on the pretext of marrying the prosecutrix, the petitioner developed physical relationship with her. However, later on, the prosecutrix came to know that the petitioner is already married and having two children. When the petitioner was confronted by the prosecutrix, she was beaten up and the petitioner dropped her back to her village. Even in the month of June 2023, the petitioner used to come to the parental house of the prosecutrix in the absence of her parents and forcefully developed physical relationship with her 5 to 6 times. When the prosecutrix opposed the said act, the petitioner threatened to make her objectionable videos viral.

6. No doubt the petitioner is in custody and investigation is complete, however, the prosecutrix has elaborated the allegations in the detailed statement



made by the her under Section 164 Cr.P.C. on 27.11.2023. She has also supported the allegations levelled by her in the FIR. The statement of the prosecutrix is yet to be recorded during the trial and the material witnesses are yet to be examined. In case the petitioner is released on bail, there is apprehension of tampering with the prosecution evidence.

7. Keeping in view the aforesaid facts and circumstances and keeping in view the repeated act alleged to have been committed by the petitioner at the house of the prosecutrix in the absence of her parents, at this stage, no case is made out for releasing the petitioner on regular bail.

8. Consequently, the present petition stands dismissed.

9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No