

CRM-M-39485-2024 (O&M)

-1-

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CRM-M-39485-2024 (O&M)
Date of Decision: 27.11.2024

Rana

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)**CRM-41631-2024**

Prayer in the present application is for addition of offence under Section 201 IPC in the headnote as well as in the prayer clause of the main petition.

Application is allowed as prayed for.

Registry is directed to carry out necessary correction.

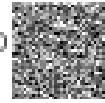
CRM-41632-2024

This is an application for placing on record Medical examination report of prosecutrix/complainant as Annexure P-6.

Allowed as prayed for. Annexure P-6 is taken n record.

Main case

1. The present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.0056, dated 02.05.2024

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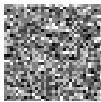
registered under Section 376 IPC at Police Station PS Women, District SAS Nagar (Annexure P-1).

2. Learned counsel for the petitioner contends that there were consensual relationship between the petitioner and the prosecutrix for more than 4½ years. In fact, the complainant had cheated upon the petitioner as she got indulged in relationship with other person which is reflected in the photographs (Annexure P-3) and it is also evident from the history given by the prosecutrix in her medical examination report (Annexure P-6).

3. Learned State counsel has opposed the prayer made in the petition. However, it is confirmed that the investigation is complete and the challan has been presented. Custody certificate has been filed reflecting the custody of the petitioner as 05 months and 27 days.

4. I have heard learned counsel for the parties and perused the paper book.

5. The FIR was registered with the allegation that the petitioner was in relationship with the prosecutrix for the last 4½ months. In the FIR, there is reference about the previous complaint having been made by the complainant on 14.06.2023. The paper book transpires that there is compromise on 19.06.2023 (Annexure P-4) as per which the petitioner and the prosecutrix decided to live together for solemnizing marriage with each other. The petitioner is in custody since 27.05.2024 and is in judicial custody since 30.05.2024. The investigation is complete. The petitioner and prosecutrix are major. As per the medical examination report (Annexure P-6) prosecutrix herself has given history that she was having consensual sexual relationship with the petitioner from December 1, 2019 till October 2022 and



it is also reported that she has sexual relationship with the third person 15 days prior to her medical examination. Allegations and counter allegations are the matter of trial. The conclusion of the trial is likely to take time. There is no apprehension of absconding of the petitioner during the trial.

6. In the facts and circumstances, as enumerated hereinabove and the nature of allegations levelled, the instant petition is allowed. As the trial will take considerable time to conclude, the petitioner is ordered to be released on regular bail on his furnishing adequate bonds/surety bonds to the satisfaction of the trial Court concerned.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on the merits of the case.

8. Pending miscellaneous applications, if any, shall stand disposed of.

27.11.2024

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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No