



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
207

CRM-M-49089-2024(O&M)

Date of Decision: 04.10.2024

Lovepreet Singh alias Labhpreet alias GokhaPetitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amit Kumar Walia, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under section 439 of Code of Criminal Procedure for grant of Regular bail to the petitioner in case FIR No. 161 dated 05.11.2023 registered under Section 376 IPC at Police Station Sadar Dhuri, District Sangrur (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) has been registered on the basis of the statement made by the victim herself wherein it has been alleged that ‘*about 2 years ago*’, she had gone to the house of the petitioner where the petitioner allegedly under the influence of liquor had made physical relations with her. It is further alleged that thereafter, the petitioner used to take the complainant from her house at Sangrur to any hotel and has been making physical relations with her without her consent and all this continued for 2 years. It is also stated in the FIR that the petitioner and the complainant had stayed together at Mohali for about 3-4 months. It is



also mentioned in the FIR that when this matter came into the knowledge of parents of the victim, they have abandoned her and she is now residing alone at Mohali. Learned counsel submits that from the above facts, it is clear that the relationship between the petitioner and the complainant is consensual in nature. The petitioner has been falsely implicated in the matter. Moreover, the petitioner is only 21 years of age whereas the complainant herself is 24 years of age. Even otherwise, the allegations made in the FIR are vague and general as no specific dates, times, or places of incidents are mentioned. Even the last date of incident is not mentioned in the FIR. It is also pointed out that the petitioner is the cousin brother of the complainant as he is the son of maternal aunt/massi of the complainant.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 06.11.2023 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner; and on instructions from ASI Kamaljeet Singh, informs that very clear and specific allegations are made against the petitioner. It is submitted that initially, a zero FIR was registered on 21.10.2023 at Police Station SAS Nagar, which was subsequently transferred to the Police Station Sadar Dhuri, District Sangrur. The complainant/victim in her testimony as PW1 has supported the prosecution case. It is admitted



that the petitioner is the son of the maternal aunt/massi of the complainant. Learned counsel for the State, further informs that there are 16 witnesses in the present case, out of which only 2 witnesses, including the complainant, have been examined so far.

Learned counsel for the State files custody certificate dated 03.10.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 10 months and 27 days.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that: a) the custody period of 10 months and 27 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; and c) material witness i.e. the complainant/victim stands examined; and d) out of total 16 witnesses, 2 witnesses have been examined so far and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed.**

The petitioner-Lovepreet Singh alias Labhpreet alias Gokha S/o Rajinder Singh alias Mithu, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.



Pending application, if any, stands disposed of.

04.10.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No