



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
203

CRM-M-54771-2024 (O&M)
Date of Decision: 11.11.2024

Raman Singh @ Ravi

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Navjot Kaur, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 25 dated 13.02.2024 (Annexure P-1) registered under Sections 376, 506, 201 IPC (Section 6 of Protection of Children from Sexual Offences Act, 2012, added later on) at Police Station City-1, Abohar, District Fazilka.

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 and the same reads as follows:-

Statement of XXXX daughter of Dharminder Singh son of Jasbir Singh resident of Gali No.04, Kalash Nagar, Abohar, aged about 21 years, Mobile No. 62804-32273 stated that I am the resident of the above-mentioned address and I do the stitching work at Ravaaz Boutique, Gali No. 06, West Abohar, Abohar and I am 8th class pass. Raman Singh alias Ravi son of Baldev Singh resident of Seed Farm, Kacha Abohar, who use to visit our house from a long time. About 2 years ago, I had conversation with Raman Singh alias Ravi and he promised me that he will be marrying me. On the pretext of marriage, the above said Raman Singh kept making physical relations with me. Now about 6 months ago, I got to know that the above said Raman Singh is



already married. On which I refused to keep any relation with him. On dated 14.01.2024, I was passing by foot through Namdev Chowk, Abohar then above said Raman Singh stopped me and said that he wants to sit with her and have peaceful talk. On which I sat on his motorcycle and he took me to a room in hotel built in front of Gali No.11 in market and over there he forcefully made physical relation with me without my permission and threatened me thereof that if I told anyone he will not spare me. Being afraid of societal pressure I did not tell anything to anyone and thereafter also above said Raman Singh gave me threats while passing through market. Yesterday dated 12.02.2024 also, the above said Raman Singh met me in the market and told me to keep relation with him otherwise it won't be good for my family. Being afraid of which I came to house and told everything to my mother Rajveer Kaur who took me for checkup to Civil Hospital, Abohar today, where we took the token (slip) but we were afraid that above said Raman Singh would come here and harass us, fearing which we came to police station. The said Raman Singh has harassed me a lot. Kindly appropriate legal action been taken against said Raman Singh.”

It is submitted by learned counsel for the petitioner that as has been admitted in the FIR, the petitioner and the victim were in a consensual relationship for the past 2 years. On the date of incident i.e. 14.01.2024, the victim was 21 years of age. It is contended that a consensual relationship between 2 adults does not constitute rape. In support, reliance has been placed upon a judgment of Hon'ble Supreme Court passed in ***Criminal Appeal No. 3431 of 2023 titled as 'xxxx vs. State of Madhya Pradesh and another, decided on 06.03.2024;*** and a recent judgment of the High Court of Allahabad in ***Shrey Gupta vs. State of U.P. and another, Neutral Citation No. 2024:AHC:161316***, wherein it has been categorically held that a consensual relationship between the two consenting adults on the pretext of marriage would not constitute an



offence under Section 376 IPC.

It is further submitted that more than one month after registration of the FIR, the victim made a supplementary statement dated 27.03.2024 (Annexure P-2) wherein she has now claimed that she was 17 years old when the petitioner committed assault upon her. It is stated that in the statement made by the victim at the time of her medico-legal examination on 13.02.2024 when she was questioned about “*Was there any H/O previous intercourse prior to the assault?*”, the victim has replied that “*Don’t remember*” (at page 21 of the paper book). It is submitted that therefore, the petitioner has been incorrectly implicated in the FIR as admittedly, there was a consensual relationship between the petitioner and the victim which does not constitute an offence under Section 376 IPC, on the pretext of marriage.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 13.02.2024 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 the prayer made on behalf of the petitioner and submits that serious allegations have been made in the present FIR. The victim/complainant in her statement recorded under Section 164 Cr.P.C, as also in her testimony as PW1 has supported the prosecution case. Even the mother of the victim in her testimony as PW2 has supported the prosecution case. It is informed, on



instructions from ASI Kulwinder Singh, that DNA report is still pending in the present case; and out of 14 witnesses only 2 witnesses have been examined so far.

Learned counsel for the State files custody certificate dated 10.11.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 08 months and 26 days. As per the said custody certificate, there are 2 other cases pending against the petitioner being COMI/149/2019 dated Not Available titled as “Shinderpal Kaur vs. Raman Kumar” under Sections 323/342/34 IPC at Police Station NA; and FIR No. 93/2023 dated 20.05.2023 under sections 458/323/341/506/148/149/379/411/473 IPC registered at Police Station City 1 Abohar.

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 petitioner has undergone substantial period of custody as an undertrial for 08 months and 26 days; b) material witnesses including the victim and her mother stand examined; c) out of total 14 witnesses, 2 witnesses have been examined so far and; d) 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-Raman Singh @ Ravi S/o Baldev Singh, 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.

11.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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