



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-31693-2024 (O&M)
Date of Decision:-21.01.2025**

Sonu Patarkar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. I.S. Khara, Advocate for the petitioner.

Ms. Seena Sandhu, Addl. A.G. Punjab.

JASGURPREET SINGH PURI J.(Oral)

CRM-43490-2024

Present application has been filed for placing on record certain documents.

Application is allowed as prayed for subject to all just exceptions.

The accompanying statement of prosecutrix is taken on record as Annexure P-7.

Main case

1. The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case bearing FIR No.31 dated 07.03.2024 under Section 376 of IPC (Section 506 of IPC and Section 67-A of IT Act added later on), registered at Police Station Kotwali, District Bathinda, Punjab.



2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody since 09.03.2024, which is almost 10 months. He further submitted that after the investigation of the case, the challan has been presented and the trial has already commenced. Out of 16 cited prosecution witnesses, 12 witnesses have already been examined including the prosecutrix. He further submitted that there has been an abuse of process of law at the hands of the prosecutrix, who alleged in the FIR that she is 38 years old, is already married and was involved in divorce litigation with her husband. According to the allegations, the petitioner wanted to help the prosecutrix in the court case and in this way, they established physical relationship with each other. He further submitted that later on when the relationship turned sour, present FIR was lodged by the prosecutrix by concocting a story against the petitioner. He submitted that a perusal of the FIR itself would show that the entire relationship, if any, was by way of a consent. Not only this, but it has also been mentioned in the FIR that on 27.01.2024, they went to Gurudwara Quila Sahib, Bathinda, where selfies were also taken. Learned counsel submitted that even if it is a case of developing a physical relationship on the pretext of marriage and even if it was by way of consent, the prosecutrix, being a mature lady who is already married and 38 years of age, no offence can be said to have been committed. He further submitted that so far as the present petitioner is concerned, his prayer for the grant of regular bail may be considered on the grounds that he has already faced incarceration for about 10 months and all the material witnesses have been examined in the present case.



3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. He further submitted that all the material witnesses, including the prosecutrix, have already been examined and the prosecutrix has supported the prosecution's version. As such considering the seriousness of the offence, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner has come out to be about 10 months. It is a case where as per the allegations the petitioner and the prosecutrix came into contact because the petitioner wanted to help the prosecutrix in her court case against her husband. The prosecutrix is stated to be 38 years of age and she has already been examined. Apart from the above, as per learned State counsel out of 16 cited prosecution witnesses, 12 witnesses have already been examined and in this way all the material witnesses have been examined. So far as the objection raised by learned State counsel is concerned, that the matter is serious in nature that itself cannot become a ground for denial of bail to the petitioner

6. After hearing learned counsel for the parties and without going into the merits of the case, this Court is of the view that, considering the custody of the petitioner, the stage of the trial, the age of the prosecutrix, and the allegations contained in the FIR, it is a fit case for grant of regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to



furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

21.01.2025

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