

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

CRM (M) No. 292/2019
CRLM No. 699/2019
c/w
Bail App No. 84/2019

Harjeet Singh

.... Petitioner/Applicant(s)

Through:- Mr. Anil Sethi, Advocate

V/s

State of J&K and others

.....Respondent(s)

Through:- None

Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

Bail App No. 84/2019

Applicant seeks grant of bail in his favour in FIR No. 27/2018 dated 12.07.2018 registered at Police Station, Chassana, Tehsil and District Reasi under sections 376, 313, 420 and 506 RPC. The grievance of the applicant is that he has been falsely implicated in the aforementioned FIR.

Allegations in the FIR are that one complainant-Balbir Kour has alleged that the applicant was well known to her and her family members and had made physical relations with her for the last 2 ½ years with her. During this period, she became pregnant twice but he forced her to abort and when complainant asked the applicant to marry with her, he refused to do so and also threatened her that he will marry with another girl. On this, aforesaid FIR came to be registered on 12.07.2018.

Applicant aggrieved of the registration of FIR, filed a petition under section 561-A Cr.P.C for quashing of the same i.e. CRM(M) No. 292/2019. Respondents-State has filed the status report in this petition, which is listed alongwith this application. Perusal of the status report reveals that complainant's

statement under section 164-A Cr. P.C was recorded before the learned Magistrate and she has deposed that the applicant is known to her for the last four years and has illicit physical relations with her on the assurance to solemnize marriage. Their relationship was known to the parents of the applicant also.

Complainant stated that four months when she was residing in Jammu she came to know about the engagement of the applicant with another girl. She, thus, immediately lodged a complaint at Police Station, Chassana. Thereafter, the father of the applicant and brother of the complainant have solemnized their court marriage and they have stayed at Rajouri.

Respondents have opposed grant of bail on the ground that the allegations against the applicant are serious and further that the applicant has committed heinous offence.

Considering the submissions, the complainant admittedly is in long relationship with the applicant and thus culpability of the offence under section 376 Cr. P.C is to be adjudicated only during the trial. This application is allowed.

In the event of arrest of the applicant, he is directed to be released on interim bail on his furnishing personal bond and surety of ₹ 25,000/- each to the satisfaction of the Arresting/Investigating Officer on the condition that he shall make himself available for investigation as and when required for purpose of queries and shall not tamper with the prosecution evidence.

Application stands disposed of.

List the CRM(M) No. 292/2019 on 18.04.2020.

(Sindhu Sharma)
Judge

JAMMU
31.01.2020
Rakesh