

In the High Court of Punjab and Haryana at Chandigarh

CRM M-15305 of 2015
Date of Decision: May 12, 2015

Surinderjit Singh Rana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. A.D.S. Sukhija, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of the Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 48, dated 01.04.2015, under Section 376 IPC, registered at Police Station Mataur, SAS Nagar (Mohali).

Learned counsel for the petitioner contends that complainant herself is a married lady and having 9 years old son. There is no concealment of fact with regard to earlier marriage. Learned counsel relies upon Annexures P/2 and P/3. Learned counsel further contends that no offence under Section 376 IPC is made out at this stage.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

The allegations in the FIR are to be seen at the time of

granting anticipatory bail. There are allegations in the FIR that the petitioner approached the complainant through a member of Sikh Sangat Gurudwara Nauwi Pathshahi, Guru Teg Bahadur Nagar Jalandhar. The petitioner concealed the fact with regard to his earlier marriage and developed physical relations with the complainant. Thereafter, the petitioner insisted upon the family of the complainant for his marriage with the complainant in spite of the fact that earlier marriage was still subsisting. The petitioner has abnormal sexual tendencies and weird sexual behaviour and indulged in such activities. There are other allegations as a result of which the complainant had to undergo a major surgery and suffered for sufficiently long period. In addition to this, there are allegations of physical assault. Once the consent has been obtained by fraud by concealing the earlier marriage, the consent cannot be treated as a valid one.

So far as the relevancy of documents i.e. Annexures P/2 and P/3 is concerned, the same can not be taken into account at this stage and it will be considered by the trial Court at the time of appreciation of evidence.

Keeping in view the gravity of offence, no ground for anticipatory bail is made out.

Dismissed.

May 12, 2015
vkd

[Paramjeet Singh]
Judge