

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

CRM No. M-19807 of 2015

Date of decision:- August 03, 2015

Gurlal Singh

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. S.S. Sidhu, Advocate for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

Mr. Iqbal Mohammed, Advocate for the complainant.

JASPAL SINGH, J. (Oral)

Instant petition has been preferred by Gurlal Singh under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 28, dated 02.05.2015, under Sections 376 IPC (Section 313 IPC added later on), at Police Station Nayagaon, District SAS Nagar (Mohali).

2. Shortly, put the case of prosecution as unfolded by Ms. Anu Bala is that she as well as petitioner had been working in Punjab Police as constables in Passport Branch of SSP Office where, petitioner started promising her to solemnize marriage with her and in November 2013 on the day of her birthday, on the pretext to celebrate her birthday, he forced her to drink a cold drink, upon which, she became unconscious and in that condition, he committed

sexual intercourse with her. On being scolded, petitioner repeated his offer to marry her but did not fulfill his promise. It has further been alleged that due to the intercourse committed upon her by petitioner, she became pregnant but he got her pregnancy terminated. On these allegations, instant FIR has been registered and investigation has been put into motion.

3. During investigation of this case, parties have solemnized the marriage on August 02, 2015 with the consent of their family members. Copy of marriage certificate has been placed on record by counsel for the petitioner. Anu Bala-complainant has also furnished an affidavit, which is also taken on record, in which, she has stated that she has solemnized the marriage with petitioner on August 02, 2015 at Gurudwara Sahib, Sector 42, Chandigarh in the presence of her family members and other relatives with her own sweet will, consent and without any coercion or pressure as per Sikh rites.

4. Since, petitioner has already solemnized the marriage with complainant, she has no objection, in case, instant petition is allowed.

5. In view of the facts narrated above but without expressing any opinion on the merits of the case, present petition is allowed. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under section 438(2) Cr.P.C.

August 03, 2015
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(JASPAL SINGH)
JUDGE