

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

**C.R.M-M No.33802-2015
Date of decision : 08.10.2015**

Deepak Kaushal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.50 dated 27.05.2015 registered under Sections 376/354/420/494 IPC at Police Station Division No.3, Ludhiana.

Learned senior counsel for the petitioner has argued that the petitioner and the complainant were admittedly both married and both entered into a consensual relationship with each other and now when the relationship between them has soured this FIR has been lodged.

Learned counsel for the complainant has on the other hand argued that the petitioner has actually allured the complainant under completely false pretext and even now he is harassing her by repeatedly sending her messages, by trying to obstruct her whenever she goes out of the house and even the wife of the petitioner has sent her brothers to the house of the complainant and has been repeatedly threatening the complainant that she would get her killed.

Learned Additional Advocate General has stated that apart from the previous conduct of the petitioner in enticing the complainant by giving her false pretext these allegations of harassment themselves disentitle the petitioner from the consession of anticipatory bail.

In my mind this is a case for conditional anticipatory bail.

Let the petitioner appear before the Investigating Officer on 16.10.2015 and the Investigating Officer shall release him on interim bail to his satisfaction. It is further clarified that any attempt made by the petitioner to harass the complainant either himself or through anybody else could render this order liable to be set aside and the bail granted to be withdrawn.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 8, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**