

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

**C.R.M-M No.37064 of 2014
Date of Decision : 24.02.2015**

Bhinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amandeep Chhabra, Advocate
for the petitioner.

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

Mr. Viranjeet Singh Mahal, Advocate
for the complainant.

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 is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.79 dated 27.05.2014 registered under Sections 363, 366, 376, 506 IPC at Police Station Ghall Khurd, District Ferozepur.

Status report filed in Court on behalf of respondent No.1 is taken on record. Copy has been supplied.

The allegations against the petitioner are that he enticed the complainant by saying that he was a rich landlord; took her to his home;

detained her there for 15 to 16 days against her wishes and raped her under the guard of his mother.

Learned counsel for the petitioner has argued that the very fact that the complainant stayed in the house of the petitioner for 15 days and did not raise any hue and cry is an indication that she was a consenting party. As per the learned counsel, the petitioner and the complainant had got married and the petitioner is still ready to live with the complainant but the whole reason for the dispute is that the petitioner belongs to the community of scheduled caste and the complainant-prosecutrix belongs to the community of Jatt Sikh and it is only due to parental pressure that this false FIR has been lodged. He has further argued that there is also a dispute regarding the filing of a petition for restitution of conjugal rights by the prosecutrix.

Learned Additional Advocate General as well as learned counsel for the complainant have refuted these arguments.

Be that as it may, without commenting on the merits of the case, I do not deem it appropriate to deny anticipatory bail to the petitioner.

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.

The petitioner is directed to appear before the investigating officer on 04.03.2015 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to

have been dismissed.

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

February 24, 2015

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**(AJAY TEWARI)
JUDGE**