

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-19687 of 2016

Date of decision : June 09, 2016

Amanpreet Singh Boparai

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. PS Ahluwalia, Advocate, for the petitioner
Mr. Gurveer Sidhu, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

Status report filed by learned State counsel is taken on record.

The allegations against petitioner Amanpreet Singh Boparai, aged around 28 years in this anticipatory bail application under section 438 of the Code of Criminal Procedure are that a little before the year 2009, he received a miss call and subsequently it was revealed to be of the complainant, a girl aged around 29 years and in consequence of which both of them met in the year 2009. The boy and the girl thereafter had been regularly meeting and in the year 2010 developed physical intimacy and on 9.8.2015 betrothal ceremony was performed between the two by the family but subsequently the marriage did not materialize and on written complaint of the girl the present case was got registered.

The State counsel has opposed the relief on the ground that custodial interrogation of the petitioner is essential and heinousness of the crime does not call for anticipatory bail.

Learned counsel for the petitioner has sought to highlight that both the complainant and the accused are matured persons and have been in live-in relationship since the year 2009-10 and the very holding of the betrothal substantiates that the petitioner had no such intention to cheat and it is on account of the boy and the girl belonging to different community, the marriage could not be materialize and nothing is to be recovered from the petitioner.

Appreciating the submissions of the two sides, the admitted allegations of the prosecution that they were in a relationship since the year 2009-10 and for almost seven years were carrying on the same and in between there has been betrothal ceremony, thus, in itself are reflective that there were intervening circumstances unforeseeable which led to this break up and there could not be any attribution of apparent mis-representation and cheating on that score. Since nothing is to be recovered, culpability if any, would be determined at the time of trial, no useful purpose will be served by sending the petitioner to custody.

In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. The petitioner shall, however, join the investigation as and when called for and

shall also abide by the conditions specified under section 438 (2) Cr.P.C.

Presently the petitioner is directed to join the investigation within 10 days.

The present petition stands disposed off.

June 09, 2016
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(Fateh Deep Singh)
Judge