

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

**CRM-M No. 16773 of 2017(O&M)**

**Date of decision: 26.5.2017**

Suraj Mathu

....Petitioner

VERSUS

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Vikram Sheoran, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

**REKHA MITTAL, J.(Oral)**

The petitioner prays for grant of bail in anticipation of arrest in FIR No. 14 dated 05.03.2017 registered with Police Station Purana Shalla, Gurdaspur for offence punishable under Sections 376, 417 and 120-B of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that the complainant was earlier married to Rajiv Paul and got divorce. Her statement under Section 164 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') was recorded by the Magistrate and in the said statement, she has mainly levelled allegations against Baljit Mathu, elder brother of the petitioner for maintaining physical relations with the complainant on the pretext of marriage resulting in conception and abortion. It is further submitted that in the said statement she has levelled vague allegations that Baljit's elder brother Suraj Mathu started mistreating and misbehaving with her and compelling her to marry which was narrated by her to father of Baljit and he told the complainant to live with Baljit in a rented apartment and they will marry both of them. It is further submitted that the complainant filed

an application under Section 125 Cr.P.C. claiming maintenance against Baljit Mathu in a Court at Calcutta and a notice has been received by Baljit Mathu. Counsel would state that the complainant has changed her stance with regard to allegations attributed against the petitioner while recording her first version basis of the FIR, statement recorded under Section 161 Cr.P.C. and statement under Section 164 Cr.P.C. It is further submitted that the petitioner is ready to join investigation and co-operate throughout when otherwise no recovery is to be effected from him.

Counsel for the State has opposed the prayer for bail with the submission that in view of gravity of allegations, the petitioner does not deserve to be extended benefit of pre-arrest bail.

I have heard counsel for the parties, perused the paper-book particularly statement of the prosecutrix recorded under Section 164 Cr.P.C. by a Judicial Magistrate.

In her statement recorded under Section 164 Cr.P.C, the prosecutrix has mainly levelled allegations against Baljit for developing physical relations for quite some time on a promise to marry but later family of Baljit gave up contacts with her. The petitioner is accused of mistreating and misbehaving with the prosecutrix and compelling her to marry with him. The petitioner is ready to join investigation subject to the conditions to be ascertained by this Court.

In view of the above, the petition is allowed. The petitioner is directed to join investigation within 10 days and on his appearance before the Investigating Officer, he shall be released on bail subject to satisfaction of the investigating officer. However, the petitioner shall remain bound by the following conditions:-

- (i) he shall join the investigation as and when required by the Investigating Officer.
- (ii) he shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) he shall not leave the limits of this country without prior permission of the Court.

**MAY 26, 2017**  
'D. Gulati'

**(REKHA MITTAL)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | yes/no |
| Whether reportable        | : | yes/no |