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

**CRL. MISC. No.M-29249 OF 2017 (O&M)**
**DATE OF DECISION : 21st AUGUST, 2017**

**Gautam Dhillon**

**…. Petitioner**

**Versus**

**State of Punjab**

**…. Respondent**

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI**

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Present : Mr. Pradeep Panwar, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.
Mr. Ramandeep Singh, Advocate for the complainant.

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**A. B. CHAUDHARI, J. (ORAL)**

The petitioner has filed this second petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.93 dated 06.05.2017 registered under Section 376 IPC at Police Station Sadar, District Ludhiana.

Heard learned counsel for the rival parties.

Following is the extract from the FIR which constitutes the offence against the petitioner:

> "(2) That the applicant was loving to Gautam son of Sh. Raj Kumar who is residing in the house opposite to the applicant, where she is residing from the last 2-3 years. 3) That the abovesaid Gautam was about to make the pretext of raping her that he will solemnize the marriage with the applicant at the earliest and now from the last one year period, abovesaid Gautam is not ready to solemnize the marriage with the applicant and he is threatening to

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the applicant. 4) That bluffing for solemnizing the marriage with her, once the abovesaid Gautam fraudulently taken the applicant in Saurav Hotel Chintpurni, Himachal Pradesh on 08.05.2015 and he has also committed the rape with the applicant many times. 5) That from the wedlock of abovesaid Gautam, the applicant became pregnant and she got the abortion of the child. 6) That during this period, father of the abovesaid dies and after performing the last rituals and ceremonies of his father, he had become ready for solemnizing the marriage with the applicant. 7) That when the accused Gautam did not came to full fill his conditions and then the applicant gave the information of this matter to Councilor Sh. Randhir Singh and executed a compromise regarding this matter between the applicant and Gautam in the presence of Councilor Randhir Singh and in the compromise, Gautam promised that after completing the final rituals of his father, he will solemnize the marriage with the applicant. The abovesaid Gautam distributed the sweets in the presence of Councilor Randhir Singh. The photos in this regard are attached herewith. 8) That after the compromise, making the secret understandings with his mother and brothers, even in spite of the requests made by the applicant and by the above councilor, he refused to solemnize the marriage with the applicant. 9) That not looking no other way, the applicant presented and application before worthy Police Commissioner

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> and S.H.O. Police Station Sadar Ludhiana, bearing the application Numbr 115/S.D.R. dated 23.06.2016. Worthy Police Commissioner marked the application dated 23.06.2016 to A.C.P. for conducting its enquiry. A.C.P. hand sent this application to S.H.O. Police Station Sadar Ludhiana. The applicant made the approaches many times to S.H.O. Police Station Sadar Ludhiana but found no result. 10) That the applicant remained alone and Gautam and his mother and brother are rich persons and have much approach up to the political persons and hence the police are not taking any action against the accused persons."

This Court had dismissed the first application for bail bearing CRM-M-No.22493 of 2017 after hearing counsel for the complainant. Counsel for the petitioner had remained absent before this Court. The grievance made by the complainant was taken into consideration also. Thus the said petition for anticipatory bail was dismissed for absence of the petitioner and for the grievance made by the complainant.

Thereafter, the counsel for the petitioner filed the present petition and this Court made interim order dated 10.08.2017.

Learned counsel for the complainant has appeared and opposed the present petition.

Looking to the facts narrated as above, I am satisfied that the petitioner can be released on anticipatory bail. However there is serious grievance made by counsel for the complainant and in my opinion,

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rightly so, because having taken the concession of interim anticipatory bail order, the petitioner who resides just opposite the house of complainant, has been tormenting her. The complainant also made a call to the control room regarding this.

In my opinion, the complainant must be given appropriate protection in the first place and secondly since the petitioner continues to misbehave an offer was given to the petitioner whether he will reside outside the Ludhiana and would not enter the place where he resides.

Learned counsel for the petitioner voluntarily made statement that the petitioner would not enter the district Ludhiana till the trial is completed. The statement is accepted.

Acting on the statement made above and in view of the above observations, I make the following order:

**ORDER**

(i) CRL. MISC. No.M-29249 OF 2017 is allowed.

(ii) Interim order dated 10.08.2017 is made absolute.

(iii) The petitioner shall not enter the limits of District Ludhiana till the completion of the trial, save and except the dates of attendance before the trial Court in the present case and shall not apply for modification of this condition till then.

(iv) The petitioner shall not tamper or influence the prosecution witness(es).

(v) The police is directed to give protection to the complainant.

(vi) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

**21st AUGUST, 2017** **(A. B. CHAUDHARI)**
'*raj*' **JUDGE**

*Whether speaking/reasoned:* *Yes* *No*

*Whether Reportable:* *Yes* *No*

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