

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

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**CRM-M No. 49178 of 2018
Date of decision : 13.11.2018**

Dalveer Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

CORAM HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Vivek Gupta, Advocate, for the petitioner

Mr. C.L. Pawar, Senior DAG, Punjab

Karamjeet Kaur-respondent No.2 in person with
Ms. Mandeep Kaur, Advocate

FATEH DEEP SINGH, J. (Oral)

This order shall disposed of first anticipatory bail application under Section 438 Cr.P.C. of accused-petitioner Dalveer Singh, filed in case FIR No. 156 dated 6.8.2018, under Sections 376, 451 and 506 IPC, registered at Police Station City Sunam, District Sangrur, Annexure P-1.

The brief facts brought to the notice of this Court are that the prosecutrix, who is a married lady, aged around 31 years, entered into a relationship, as the petitioner often visited her house and it is alleged that on 10.7.2018, when the husband of the prosecutrix was not at home, the accused climbed the wall of the house and trespassed and thereafter ravaged the prosecutrix, leading to registration of the present case.

Learned counsel for the petitioner has argued that the petitioner is a married grown up man and, admittedly, was in a relationship for a period of

two years prior to this occurrence, and that a false case has been foisted and that the prosecutrix has filed affidavit to vouch for this false implication and the prosecutrix too has substantiated the averments mentioned in the affidavit and thus, call for grant of bail.

Learned State counsel, on instructions of ASI Ajaib Singh, Police Station City Sunam, has opposed the grant of bail on the grounds of heinousness of the offence and seriousness of the allegations.

Appreciating the situation of the accused side, it is the own stand of the prosecutrix that she was in a relationship with the accused-petitioner for a long period of time and had been seeing each other. The prosecutrix in her affidavit filed in Court as well as her own stand taken before this Court, has shown her resolve not to proceed against the petitioner, claiming that the case has been got registered as a consequence of grudge between the parties. She does not oppose the grant of bail to the petitioner.

In view of the admission of relationship and the fact that investigation is not likely to be concluded in near future and no useful purpose would be served by sending the petitioner behind the bars, it is fit case for grant of anticipatory bail to the petitioner.

Accordingly, it is ordered that in the event of arrest, the petitioner be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (Challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail/surety bonds to the satisfaction of the trial Court.

The petition stands disposed of accordingly.

(FATEH DEEP SINGH)
JUDGE

13.11.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No