

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

Crl. Misc. No. M-49302 of 2017

Date of Decision : February 02, 2018

Parvinder SinghPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Naresh Kaushal, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No. 262 dated 06.11.2017 under Section 376 IPC registered at Police Station Sohana, Tehsil and District SAS Nagar, Mohali.

It is submitted that the petitioner who is 19 years old has been falsely implicated in this case. It is further submitted that a bare perusal of the FIR reveals that the relationship, if any, between the petitioner and the complainant was entirely consensual. There is no question of any false assurance of any kind by the petitioner. As per allegations in the FIR the complainant/prosecutrix aged 21 years accompanied the petitioner and stayed with him for about 22 days entirely out of her own accord. Moreover, the petitioner has joined investigation. He undertakes to face the proceedings. It is, thus prayed, that this petition be allowed.

As per the allegations in the FIR, the complainant developed friendly relations with the petitioner, who is her class-fellow's brother. They

often used to meet each other. It is stated that on false assurance of marriage, the complainant on the intervening night of 25/26 Sept.,2017 took ₹70,000/-, two gold rings, a pair of ear rings, a mobile phone from her home and accompanied the petitioner. She stayed with the petitioner at various places, developed physical relations but ultimately the petitioner's family members expressed their displeasure over the alliance. The complainant was told to return home, on which she did come back while leaving the money and ear-rings etc. with the petitioner. The present FIR was lodged on refusal of the petitioner to solemnize marriage.

Learned counsel for the State, on instructions from ASI Naib Singh, verifies that the petitioner has joined investigation but it is submitted that certain recoveries namely ₹70,000/-, ear-rings etc. which the complainant alleges to have given to the petitioner are to be recovered. It is however verified that the petitioner is not involved in any other criminal case.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 22.12.2017 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

02.02.2018

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No