

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

CRM-M No.52655 of 2018

Date of decision: 3rd December, 2018

Manpreet Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Saurabh Khurana, Dy. Advocate General, Punjab
for the respondent No.1/State.

Mr. Rahul Bhargava, Advocate for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Manpreet Singh in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.57 dated 28.03.2017 under Sections 376-D, 120-B IPC pertaining to Police Station C-Division, Amritsar, are alleged to have been levelled by the prosecutrix wife of one Arun Kumar alias Sonu in which she claims that she was married to Arun Kumar since four years ago and on account of quarrel she has left on her own and started residing at Dera Beas (Amritsar) but in spite of best efforts of the well-wishers and family friends, the differences with her husband could not be ironed out. It is alleged that on 25.06.2016 on the asking of accused Anup Singh alias Anoop, she went to the Gurudwara where he wanted to arrange her meeting with somebody and was taken away on the pretext of marriage

with Manpreet Singh alias Monu, present petitioner. Subsequently, it is alleged that Manpreet Singh alias Monu in connivance with his co-accused took her to Chandigarh and thereafter, she was repeatedly raped against her wishes, leading to registration of the present case.

Learned counsel for the petitioner Mr. Ruhani Chadha, Advocate submits that it was on account of a mistaken belief and some misunderstanding, the complainant has moved the complaint in question and has placed reliance on her affidavit (Annexure P7), original of which has already been placed on record by the complainant before the Court and has also made statement that she does not oppose grant of bail to the petitioner, which is not controverted by learned counsel for respondent No.2/complainant.

On behalf of the State, Mr. Saurabh Khurana, Deputy Advocate General, Punjab on instructions from ASI Attar Singh, Police Station C-Division, Amritsar has sought to oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations, claiming that if allowed bail the petitioner might influence the witnesses and stifle the trial.

Appreciating the arguments of the two sides, the prosecutrix in her stand before this Court, oral as well as in her sworn attested affidavit which is placed on the record, has gone back on her allegations levelled earlier which form the FIR (Annexure P1). She has further made

statement that she does not object to allowing the bail of the petitioner, which is duly seconded by her counsel Mr. Rahul Bhargava, Advocate.

In the light of this stand having crept in and without feeling necessity to go into the merits further, in the event of arrest the petitioner is ordered to 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, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 3, 2018

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No