

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

**Criminal Misc. No.M-9031-2018
Date of Decision: May 03, 2018.**

GURINDER SINGH

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anurag Singh Tagra, Advocate,
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. Naveen Sharma, Advocate,
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.115 dated 02.06.2017, under Sections 420, 376 IPC, registered at Police Station Kharar, Mohali.

As per allegations in the FIR, the complainant came in contact with the petitioner four years prior to the registration of the FIR in question. Close and intimate relationship between the petitioner and complainant is mentioned in the FIR, though, it is stated that the petitioner allured the complainant with false assurances of marriage. It is alleged that the complainant at a later stage came to know that the petitioner was already married having a child. With these

allegations FIR was registered.

Learned counsel for the petitioner vehemently argues that the present FIR is a counter-blast to a complaint under Section 138 of the Negotiable Instruments Act filed by the petitioner against the sister of the complainant. The said complaint was filed on 15.12.2016 and process was issued on 29.04.2017. The present FIR was lodged on 02.06.2017 on the basis of complaint dated 18.04.2017 submitted by the complainant. It is further submitted that for the sake of arguments even if the allegations in the FIR are accepted, the relationship, if any, between the petitioner and the complainant was entirely consensual as it is admitted by the complainant that she came in contact with the petitioner four years prior to the alleged incident. The complainant is admittedly a major. Moreover, the petitioner, it is submitted, has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant and the State oppose this petition while submitting that specific allegations have been levelled against the petitioner. However, it is not disputed that the petitioner had come in contact with the complainant (who is major) four years prior to the registration of the FIR. Pendency of the complaint under Section 138 of the Negotiable Instruments Act is also not denied by learned counsel for the complainant, though it is sought to be explained that the said complaint has been filed in deceitful manner by the petitioner.

Learned counsel for the State, on instructions from ASI Balbir Singh Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 08.03.2018 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 03, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No