

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

**CRM-M No.12487 of 2019
Decided on: 28.03.2019**

Gurjant Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Prabhjot Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.88 dated 09.06.2018 registered under Sections 417, 420, 500, 506 and 120-B IPC at Police Station Sadar Jalalabad, Police District Fazilka.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by one Parveen Kaur against the petitioner and others, it is stated that aunt of the petitioner namely Chalo Bai is her neighbour since long and she has taken her mobile number and gave it to the petitioner – Gurjant Singh and the petitioner used to talk to her on mobile phone and thereafter, he had given a false promise to marry her. The petitioner informed her that he is serving in Army and he has also informed his parents that he will marry the complainant – Parveen Kaur. Thereafter, when the petitioner

came on leave in the month of November, 2016, he assured the complainant that he will marry her and on such promise of marriage, the petitioner compelled her to make physical relations with him and exploited her physically. Later on, in the month of April, 2017, the petitioner again came on leave for a period of one month and maintained physical relations on false assurance of marriage. The petitioner took her to Amritsar from 21.04.2017 to 20.05.2017 and again, made physical relations with the complainant. Later on, the complainant came to know that the petitioner has betrayed her and has started using derogatory words regarding the character of the complainant. It is also stated that the accused persons started also pointing out doubt towards the character of the complainant and have refused to accept her as their daughter-in-law. It is further stated that, thereafter, all the accused persons fixed the marriage of the petitioner with one Seema Rani and the same was performed in the presence of many persons. Accordingly, the FIR was registered as the petitioner and the other accused persons have cheated her.

Counsel for the petitioner has submitted that even on an earlier complaint given by the complainant – Parveen Kaur dated 11.09.2017, to the Senior Superintendent of Police, Fazilka, an enquiry was conducted by the Deputy Superintendent of Police, Jalalabad and in this enquiry dated 29.09.2017, it was found that nothing has come on record that there was a proposal of engagement of Gurjant Singh and Parveen Kaur or the petitioner has exploited her physically.

Thereafter, the complainant filed a petition i.e. CRM-M No.45261 of 2017 praying for a direction to the respondent to register

an FIR and the said petition was disposed of on 29.09.2017 directing the Senior Superintendent of Police to consider and decide the representation, in accordance with law.

Counsel for the petitioner has further argued that the complainant has even filed a civil suit for permanent injunction against the petitioner, his parents and his wife – Seema Rani praying for a decree to restrain them from performing the marriage of the petitioner with Seema Rani. It is, thus, submitted that the petitioner has been falsely implicated in the present case. It is also stated that from bare reading of FIR, no offence is made out under Section 420 IPC.

After hearing the counsel for the petitioner, I find no ground to grant anticipatory bail to the petitioner. It is the consistent stand of the complainant – Parveen Kaur that the petitioner, on the pretext and promise of getting married with the complainant had lured her to have physical relations and maintained it for a long time, when he and other accused persons started raising finger towards the character of the complainant by saying that they do not want a daughter-in-law of such character and thereafter, the petitioner performed marriage with one Seema Rani.

A perusal of the various complaints given by the complainant to the Senior Superintendent of Police, filing of a direction petition before this Court as well as filing of a civil suit, would show that the complainant was availing her remedies to ask the petitioner to stand by his promise to marry her, as on such allurements, she had maintained physical relations with the petitioner. The argument that no offence is made out under Section 420 IPC cannot be looked at this

stage as the investigation is still going on.

In view of the above and considering the serious allegations against the petitioner, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

28.03.2019

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No