

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

CRM-M-2925-2018

Date of decision: January 30, 2019

Yunus

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Priyavrat Parashar, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

Petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.278 dated 14.12.2017, registered under Section 376 of the Indian Penal Code at Police Station Bhikhiwind, District Tarn Taran.

Petitioner has been enrolled as a Constable in the Indian Army. As per prosecution story, the prosecutrix with her free will had married with him. They were residing together as husband and wife since the year 2015. Subsequently, it has been alleged in the FIR as under:-

“That we are living as husband and wife since the year 2015. Whenever Yunus comes on leave, he goes with me on outing and often resides with me in my house in Pahuwind. Now Yunus has also made physical relations with me. Now we had sent sweet box along with invitation card for party and date of marriage to his family, which has been returned by his parents. The phone on which I used to talk to Yunus, has been switched off by him. That Yunus and his family have

played with my life and now after performing marriage and making physical relations, it appears that Yunus is not ready to accept me as his wife. Therefore, it is requested that required legal action be taken and Yunus and his family and justice may be done to me. I shall be very thankful to you.”

A bare perusal of the FIR transpires that wife has alleged that now Yunus has left interest in her and even he used to switch off his mobile phone. Complainant has admitted that she was residing with petitioner as his wife with her free consent since the year 2015.

Learned State counsel, on instructions from ASI Panna Lal, has stated that now petitioner has joined the investigation and he is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 27.07.2018, passed by this Court, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(RAJ SHEKHAR ATTRI)
JUDGE

January 30, 2019

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No