

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29407-2018 (O&M)
Date of Decision:-21.8.2019

Jitender Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Paul Batra, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by HC Harnek Singh.

Mr. V.K. Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.163 dated 22.6.2018 at Police Station Derabassi, District SAS Nagar, Mohali under Section 376 of Indian Penal Code.
2. The FIR was registered at the instance of Harpreet Kaur wherein it has been alleged that she had been married to Gurpartap Singh and has two children from the said marriage. It is alleged that complainant's husband Gurpartap Singh, however, expired on 1.11.2010 and thereafter she came in contact with petitioner Jitender Singh. It is further alleged that although complainant's father asked the complainant for remarriage but she refused to

remarry. It is stated therein that Jitender Singh frequently used to visit her and she had physically surrendered to him and there had been relationship amongst them as husband and wife. It is further stated that the complainant's children even started referring to him as their father. The complainant has alleged that subsequently she came to know that Jitender Singh was engaged to one Komal Rani and when she confronted him about the same, there was a dispute between them. It is alleged that Jitender Singh came over to complainant's home alongwith his mother Manjit Kaur and gave severe beatings to her and also hurled abuses and Manjit Kaur alleged that his son's engagement has been broken because of the complainant. It is further alleged that subsequently the petitioner took away Noorpreet i.e. the complainant's son to Shimla and threatened that in case the complainant informed anybody then her son Noorpreet would be killed and due to which the complainant did not inform anybody.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact it is a case where the complainant, who is a matured lady, had voluntarily chosen to have physical relations with the petitioner and that the petitioner had never held out any representation for marrying her.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that after grant of interim bail by this Court, the petitioner had been threatening the complainant and has thus been misusing the grant of bail. It has, however, been informed that the investigation has been completed and challan has since been presented against the petitioner.

5. Having regard to the facts and circumstances of the case and while bearing in mind that it is a case where the complainant is a matured lady and she had voluntarily entered into relationship with the petitioner out of her own free will and while also noticing that challan has already been presented, the present case is not such, which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 17.7.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.
7. The present petition stands accepted accordingly.

21.8.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No