

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-16942 of 2019

Date of Decision: 17.09.2019

Gurmail Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Kanwaljit Singh, Sr. Advocate with  
Mr. Anil Bhateja, Advocate  
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. BPS Virk, Advocate  
for the complainant.

\*\*\*\*\*

**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.0161 dated 31.07.2018 under Section 376 IPC registered at Police Station Bhawanigarh, District Sangrur.

On July 08,2019, this Court has passed the following order:-

*“Learned senior counsel appearing on behalf of the petitioner submits that in absence of any specific allegation as regards date, time and place of rape having been committed upon the complainant, the petitioner, who is working in Indian Army, has falsely been implicated in the present case.*

*Adjourned to 17.09.2019.*

*In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.”*

Learned counsel for the petitioner states that pursuant to order dated 08.07.2019 of this Court, the petitioner has joined investigation.

Learned State counsel, on instructions from ASI Amarjit Singh, does not dispute the aforesaid fact and submits that custodial interrogation of the petitioner is not required, but allegations against the petitioner are serious.

However, learned counsel for the complainant submits that on the false pretext of marriage, the petitioner has established physical relations with the prosecutrix. There is a threat perception to complainant at the hands of the petitioner after the interim bail granted by this Court.

I have heard learned counsel for the parties.

Admittedly, there is exchange of *shaguns* between the family members of the parties and photo album was also prepared by them, which shows that the parties were otherwise intending to marry. Considering the fact that the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 08.07.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

As regards the arguments raised on behalf of the complainant, in case of any threat to the complainant at the hands of the petitioner, the complainant has remedies to avail in accordance with law.

September 17, 2019  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

|                              |          |
|------------------------------|----------|
| Whether speaking / reasoned? | Yes / No |
| Whether reportable?          | Yes / No |