

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

CRM-M No.23741 of 2019

Date of decision: 8th July, 2019

Kulwinder Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent No.1/State.

Respondent No.2 in person along with her counsel
Mr. Vikrampreet Singh, Advocate.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Kulwinder Singh in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.40 dated 21.04.2019 under Sections 376, 354, 120-B IPC pertaining to Police Station Bareta, District Mansa, have been levelled by the complainant who happens to be wife of elder brother of the petitioner, namely Ranjit Singh who died in an accident. She alleges that after the death of her husband in year 2011, with the consent of families of both sides the complainant and the petitioner started living as husband and wife but thereafter differences ensued in their life and on 15.04.2019 the accused petitioner solemnized marriage with another lady Kirna and

started harassing the complainant and she was thrown out of the house giving her beatings, leading to registration of the present case.

Learned counsel for the petitioner Mr. Bikramjeet Jatana, Advocate inter alia contends that it was on the mutual settlement of the complainant and the petitioner, the complainant left her house and started living in her parental home, contending further that the petitioner has been falsely implicated and that nothing is to be recovered from him.

On behalf of the State, Mr. H.S. Grewal, Addl. Advocate General, Punjab has not controverted the facts brought before this Court but has sought to stoutly oppose the grant of bail on the grounds of seriousness of allegations.

Complainant respondent No.2 Mandeep Kaur @ Paramjit Kaur is present in person and has been identified by her counsel Mr. Vikrampreet Singh, Advocate. She has filed her duly sworn attested affidavit to the effect that a settlement has been arrived at between the parties and that she has no objection in allowing bail to the petitioner.

In view of the stand of the complainant respondent and the fact that nothing is to be recovered from the petitioner, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case. Accordingly, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C.

Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 8, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No