

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26349-2019

Date of decision : 20.11.2019

Avtar Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. I.P.S. Kohli, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.25 dated 12.02.2018, registered at Police Station Tanda, District Hoshiarpur, under Sections 376 and 506 of IPC.
2. The FIR was lodged at the instance of prosecutrix wherein she alleged that she is aged about 29 years and is married to Sukhwinder Singh and has two children from the wedlock. It is alleged that her husband went to Spain in the year 2016. Later she came in contact with the petitioner through Facebook in the year 2017 and started chatting with him on daily basis. The said Avtar Singh came to India in September and started following her and even issued threats to her that in case she does not meet him, he will do something to himself. It is alleged that on 19.11.2017 when she went to her parental home in Tanda, the said Avtar Singh followed her there and allured her on the pretext of marriage and took her to Ludhiana where he kept her for two months and established forcible physical relationship with her. It is further alleged that later despite the said physical relations, he refused to marry her.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that even a bare perusal of the FIR would show that it is a case where prosecutrix had been having consensual physical relations with the petitioner for about two months, but later turned around and lodged the FIR.
4. Opposing the petition, learned State counsel, submitted that since the prosecutrix, apart from her statement made at the time of lodging of the FIR, has stated identically when her statement in terms of Section 164 Cr.P.C. was recorded, no case for grant of bail is made out. It has however been informed that the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court. In view of the facts and circumstances of the case, it will certainly be debatable as to whether the prosecutrix who is a matured lady aged about 29 years had been having consensual physical relations with petitioner or as to whether she was compelled for the same. In any case, since the petitioner has since joined investigation, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 06.06.2019 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.

(GURVINDER SINGH GILL)
JUDGE

20.11.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No