

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

CRM-M-30893-2019 (O&M)
Date of Decision:-4.12.2019

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. C.M. Munjal, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Sarabjeet Singh.

Mr. Diwakar Jaiswal, 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.26 dated 24.2.2018 at Police Station City Jalalabad, District Fazilka under Section 376 of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix wherein it has been alleged that she was married to Angrej Singh about 10 years back and she was blessed with two children out of the said wedlock. It is alleged that the petitioner, who is serving Army, however, used to visit them in their house and that their relations became strong. It is alleged that subsequently when her husband was away, said Sukhwinder Singh forcibly established physical relations with her. It is further stated therein that Sukhwinder Singh asked

her to seek divorce from her husband and held out an assurance that he would marry the prosecutrix. It is further stated therein that the prosecutrix being taken in by the said representation got her marriage dissolved by way of a Panchayati divorce, but subsequently the petitioner flatly refused to marry her.

3. The learned counsel for the petitioner has submitted that even a bare perusal of the FIR would show that it is a case where the prosecutrix had established consensual physical relations with the petitioner but later on account of some differences, the present FIR came to be lodged. The learned counsel for the petitioner has further submitted that, in any case, the differences have now been resolved and a compromise has been effected amongst the parties and that infact a petition for quashing of FIR had also been filed on grounds of compromise.
4. The learned counsel for the complainant has not disputed the fact that the parties have entered into a compromise and has expressed that he has no objection for grant of anticipatory bail to the petitioner.
5. The learned State counsel has informed that the petitioner has since joined investigation.
6. Having regard to the facts and circumstances and while bearing in mind that the present case is apparently a case, where the parties had consensual physical relations and had already compromised the matter, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.7.2019 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.

4.12.2019
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No