

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

CRM-M-35944-2019 (O&M)
Date of Decision:-22.11.2019

Rajinder Singh Bajaj

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamaldeep S. Sidhu, Advocate for the petitioner.

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

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.77 dated 24.6.2019 at Police Station City-2 Abohar, District Fazilka under Sections 376 and 506 of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix, wherein it has been alleged that she was earlier married with one Simarnjeet Singh but her marriage was later dissolved. Subsequently she came in touch with the petitioner Rajinder Singh Bajaj, who started visiting her house and held out a promise to marry her and while holding out the said promise established physical relations with her. It is alleged that their relationship continued for about 3 years and later she came to know that Rajinder Singh Bajaj was

already married and was also having two children. It is alleged that Rajinder Singh represented that he would divorce his wife and would solemnize marriage with the complainant, but later on he started threatening her that in case the complainant pressurized him for marriage he would make her obscene photographs and videos 'viral' and also threatened that he would humiliate the complainant's father and would get a false case registered against complainant's brother.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. The learned counsel has further submitted that the complainant in her statement recorded under Section 164 Cr.P.C. has categorically clarified about the position and has stated in unambiguous terms that she had maintained relations with the petitioner out of her own free will.
4. The learned State counsel, while opposing the petition, has submitted that since specific allegations have been levelled in the FIR, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR would show that it is a case where the prosecutrix, who is a matured lady, was having consensual physical relations with the petitioner. In any case, when the statement of the prosecutrix was recorded under Section 164 Cr.P.C., she has virtually given a clean-chit to the petitioner. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 30.8.2019 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.

7. 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.

22.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No