

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

CRM M-41221 of 2019

Date of Decision: November 26, 2019

Bhupinder Singh @ Bhinda	Petitioner
Versus	
State of Punjab and another	 Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Dinesh Nagar, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

Petitioner Bhupinder Singh @ Bhinda in this first anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 43 dated 08.05.2019 under Sections 376, 506 and 120-B IPC, registered at Police Station Kathgarh, District S.B.S. Nagar is accused of intimidating the complainant/prosecutrix Rubi into marrying him and it is alleged that the complainant under this guise of the petitioner went to meet the petitioner on 30.04.2019, who took her on a motorcycle to his house in village Kishanpur, where it is alleged that the accused/petitioner had defiled her against her wishes on the pretext of marriage but,

subsequently, refused to marry her leading to registration of the present case.

Learned counsel for the petitioner *inter alia* contends that petitioner and respondent No.2/complainant have entered into a wedlock and placed reliance on marriage certificate (Annexure P-3) and affidavit of the prosecutrix (Annexure P-4) to this effect arguing that the present case was got registered by some misunderstanding under pressure of the family of the complainant, who were opposing this marriage and the accused has been falsely implicated in the present case.

With all fairness on the instructions of ASI Amarjit Kaur Mr. Amrik Narwal, DAG, Haryana submits that there is no medical evidence to corroborate the allegations and even the prosecutrix has filed her sworn attested affidavit dated 10.05.2019 negating the allegations that have come about.

Appreciating the allegations of the two sides, as is there before this Court, the complainant happens to be a grown up lady and has entered into a matrimonial alliance and the affidavit and the marriage certificate are corroborative of this fact. It would be travesty of justice to send the petitioner behind the bars and considering the fact that the trial which is not likely to be concluded in the near future, the present petition is allowed. Therefore, in the event of arrest, the petitioner be released on bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as

and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

November 26, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No