

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

CRM-M-42319-2019 (O&M)
Date of Decision:- 4.10.2019

Manpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Ruchika Sabherwal, AAG, Punjab.

Mr. Bikramjeet Singh Jatana, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.116 dated 15.7.2019 under Section 376 IPC at Police Station City Mansa, District Mansa.
2. The FIR was registered at the instance of prosecutrix wherein it has been alleged that she is aged 32 years and that her marriage was solemnized with Jagdev Kumar on 19.7.2006 but her husband expired on 31.3.2011. After death of her husband, she used to remain tense and did not have any source of income. It is alleged that the petitioner Manpreet Singh is a cousin of her husband and who visited her on her son's birthday and brought several gifts and also offered to financially help her while representing that the complainant was his cousin brother's widow and that it was his responsibility to look after the complainant. It is alleged that thereafter the

petitioner used to visit her frequently and also rendered financial assistance. It is further stated therein that on 29.6.2012, the petitioner came to her house in inebriated condition and forcibly established physical relations with her and also threatened to eliminate her in case she reported the matter to the police. It is alleged that later the said Manpreet Singh held false assurances that he would marry the complainant after he gets divorce from his own wife and on the basis of the said false assurances kept on having physical relations with the complainant for 6-7 years. However, later the petitioner backed out from his promise and did not marry the complainant.

3. The learned counsel for the petitioner has submitted that even upon perusal of the FIR, it is evident that it is a case where the complainant, who is a matured lady, had been having consensual physical relations with the petitioner for a long period of 6-7 years and it was thereafter that the present FIR came to be lodged as the petitioner did not accede to her wish of solemnizing marriage with the prosecutrix.
4. Opposing the petition, the learned State counsel has submitted that since it is a case where the petitioner had initially established physical relations with the complainant forcibly and had later on been continuing with the said physical relations by holding out a false promise of marriage, no case for grant of anticipatory bail is made out.
5. I have considered the rival submissions addressed before this Court. Bearing in mind the facts and circumstances of the case which show that there have been physical relationship between the complainant aged 32 years and the petitioner for a long period of about 6-7 years, this Court at this stage would rather refrain from making any further expression on merits of

the case. The case is not such which would justify custodial interrogation of the petitioner.

6. The petition, as such, is accepted that the petitioner in the event of his arrest shall be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

4.10.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No