

205

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

CRM-M No. 20944 of 2020
Date of Decision: 19.08.2020

Gourav Mimani

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.
Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.
Mr. Deshpreet Singh, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.0060 dated 21.05.2020 under Sections 376, 506 IPC registered at Police Station Khuian Sarwar, District Fazilka.

FIR was registered at the instance of complainant namely Pinki Rani wife of Amit alias Sonu. Petitioner is cousin of Amit- husband of the complainant. Complainant alleged that her marriage was solemnized with Amit alias Sonu on 11.11.2019 according to Hindu rites and ceremonies. There were quarrels between the couple on petty matters, due to which complainant

remained disturbed.

Petitioner being grandson of paternal aunt of husband of complainant kept on visiting the house. The complainant narrated the story to him. Petitioner started giving assurances to the complainant and the petitioner impressed upon the complainant that he would get the complainant divorced from her husband and would marry with her. Thereafter, the petitioner started committing obscene activity with the complainant and also developed physical relation forcibly.

On 20.03.2020, petitioner came to the village and asked the complainant to come with him. Under some threat, the complainant went along with the petitioner to his village in Rajasthan, where the family members of the petitioner started saying bad words to the petitioner and asked him to send the complainant back. Thereafter, the petitioner took her to some undisclosed place near Sri Ganganagar and lived there for about 25 days. He developed physical relation with the complainant. On 19.04.2020, the petitioner went for some work, but did not return thereafter till evening and he could not be contacted despite telephonic calls made by the complainant as his phone was found to be switched off. The complainant became suspicious and reached the house of the petitioner, but

the petitioner was not found there. Thereafter, complainant made a call to her brother. Her brother and father brought her back to Abohar.

FIR was registered on 21.05.2020 i.e. after more than one month of her reaching the parental house.

Learned counsel for the petitioner contends that the petitioner is a student of aged about 21 years. He is cousin brother of husband of complainant.

Admittedly, the complainant was having strained relations with her husband. Earlier, she was married to one Parmod Kumar, from whom she allegedly obtained Panchayati divorce and contracted marriage with Amit alias Sonu.

Learned State counsel on instructions from ASI Pargat Singh and with the assistance of learned counsel for the complainant submits that the complainant was medico-legally examined on 22.05.2020. Evidently, she was living in her parental house since 19.04.2020.

It would be debatable as to the complicity of the petitioner on the basis of material so collected till date. However, keeping in view the allegations, petitioner can be asked to join the investigation.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join

investigation on 22.08.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

19.08.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No