

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

CRM-M-21646-2020 (O&M)
Date of Decision:-10.9.2020

Sonu Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab assisted by
ASI Balwant Singh.

(proceedings conducted through video conferencing)

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.118 dated 23.6.2020 at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib under Sections 366, 376, 406, 506 and 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act.
2. The FIR was lodged at the instance of prosecutrix, wherein it is alleged that she is aged about 22 years and is studying in B.A. Part-1 and had met Sonu Singh (petitioner) about an year back as he used to come to Sri Muktsar Sahib to learn computer. It is alleged that said Sonu Singh disclosed that he is unmarried and was working in the Electricity Board drawing a salary of

₹15,000/- per month and expressed his willingness to marry the prosecutrix. The prosecutrix being taken in by the said representation left her home during the night of 5.5.2020 after picking up her certificates and testimonials apart from 2½ tolas gold and cash amount of ₹65,000/- and accompanied Sonu Singh in a car, which was being driven by another person. She was taken to Village Laipo and later to Ferozepur, where they met an Advocate in District Courts, Ferozepur, who made them sign some blank papers. It is alleged that on 7.5.2020, the prosecutrix alongwith Sonu Singh and other members of his family went to the Court, where they were produced before the Judge and their statements were recorded. They had moved an application for seeking police protection, which was provided to them. However, on the next date i.e. on 13.5.2020, while they were standing in the Court room, a lady namely Reena accompanied by her daughter, were also present and who disclosed that she was wife of Sonu Singh and that the girl accompanying her namely Navneet Kaur was their daughter. It is alleged that on 20.5.2020 they again appeared before the Court and made a statement to the effect that they do not need any protection. The prosecutrix has asserted that when she came to know that Sonu Singh was already married she started raising alarm and objected to the same and upon which Sonu Singh, his parents and his brother threatened to kill her and Sonu Singh also brandished a pistol. It is alleged that in this manner Sonu Singh had been committing rape upon her from 20.5.2020 to 10.6.2020 against her wishes. Subsequently, father of prosecutrix convened a Panchayat but to no avail as the accused were proclaiming that the complainant may do whatever they want.

3. The learned counsel for the petitioner has submitted that it is a case where the prosecutrix is aged about 22 years and had willingly left her house on her

own accord and that she was fully aware about the marital status of the petitioner and that she had accepted the said factum of marriage of the petitioner. The learned counsel, in this regard, has drawn the attention of this Court to order dated 13.5.2020 (Annexure P-4) passed by learned Sessions Judge, Ferozepur, wherein it is specifically recorded that the prosecutrix, despite knowing the factum of previous marriage of petitioner Sonu Singh, 'had shown her adamance to live with petitioner Sonu Singh'.

4. The learned counsel for the petitioner has also drawn the attention of this Court to order dated 20.5.2020 (Annexure P-5) passed by learned Sessions Judge, Ferozepur, wherein it has been recorded that the petitioners therein i.e. the prosecutrix and the present petitioner had suffered a joint statement to the effect that they were earlier having apprehensions as regards threat to their lives but as of now they do not have the same. The learned counsel has also referred to an application dated 9.6.2020 (Annexure P-6) submitted by the prosecutrix to SHO, Police Station Guruharsahai, wherein she has stated that she was being threatened by her parents as she had chosen to marry Sonu Singh. It has thus been submitted that it is a case where the prosecutrix had herself chosen to live in the company of the petitioner and, as such, it cannot be said that the petitioner had committed any wrong.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner had concealed the factum of previous marriage from the prosecutrix and by concealing the said factum had held out false representation of marrying her and had established physical relations, no case for grant of anticipatory bail is made out. The learned State counsel, upon instructions from ASI Balwant Singh, has, however, informed that pursuant to interim directions, the petitioner has since joined investigation.

6. I have considered rival submissions addressed before this Court.
7. The contention of learned State counsel to the effect that the petitioner had concealed the factum of his previous marriage to Reena, may not hold good inasmuch as the prosecutrix despite having come to know about the same had chosen to reside with the petitioner as would be evident from order dated 13.5.2020 (Annexure P-4) passed by learned Sessions Judge, Ferozepur.
8. Since, the prosecutrix is a major and had herself chosen to leave her home, it will be debatable as to whether it is a case where the prosecutrix had been enticed away by the petitioner or not. In any case, since the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 5.8.2020 are hereby made absolute subject to the condition that the petitioners 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.

10.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No