

CRM-M-40546-2019

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

CRM-M-40546-2019 (O&M)

Date of decision: 03.02.2020

Gurwinder Singh

.... Petitioner

Versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.P.Kaushal, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.42 dated 28.06.2019 under Sections 376/384 IPC registered at Police Station Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner contends that in fact the complainant had a love affair with the petitioner and she was a consenting party. The allegations of extortion levelled against the petitioner are baseless as the same have been levelled by the complainant to cover up for her own wrongs. Hence, it is submitted that in view of the fact that she was a consenting party, the ingredients of offence under Section 376 and 384 IPC were not made out.

Learned State counsel on the other hand has opposed the grant of anticipatory bail to the petitioner on account of grave and serious allegations levelled against him. It has been contended that the complainant had been subjected to sexual assault several times by the petitioner and thereafter an

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obscene video too was prepared by him for which he would threaten the complainant of making it viral on facebook and whatsapp.

Keeping in view the facts and circumstances of the case and submissions made by learned counsel for the parties, no ground is made out to grant the anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is clarified that nothing observed herein above would be construed as an expression on the merits of the case.

03.02.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No