

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

CRM-M-84-2021
Date of decision: 08.01.2021

Parminder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the present petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No.0116 dated 18.09.2020, registered under Sections 376, 506, 313 of IPC at Police Station City Morinda, District Rupnagar.

Learned counsel for the petitioner submits that as per the allegations levelled in the FIR, the petitioner has committed rape with the complainant on the pretext of marrying her.

Learned counsel for the petitioner further submits that the victim is aged about 29 years and she is the real sister of petitioner's sister-in-law (Bhabhi).

Learned counsel for the petitioner further submits that as per allegations levelled in the FIR, the petitioner has made physical relations with victim for the last 3-4 years and in 2016, a ring ceremony was

performed, however, it was opposed from the family of the petitioner. It is further stated in the FIR that in 2020, the victim came to know that the marriage of the petitioner is fixed with some other girl and some ceremony has also taken place.

Learned counsel for the petitioner further submits that as per allegations levelled in the FIR, victim has undergone termination of pregnancy as some medicines were administered by the petitioner.

Learned counsel for the petitioner further argues that there is no MLR of the petitioner to support the version of the victim, either with regard to allegation of rape or termination of pregnancy.

Learned counsel for the petitioner further submits that one ultrasound report was given by the victim, however, the same does not show that any miscarriage or termination of pregnancy has taken place.

Learned counsel for the petitioner further argues that when the complaint was filed, she had not levelled any allegation with regard to her pregnancy or abortion and it has come for the first time after her statement was recorded under Section 164 Cr.P.C.

On a Court query, the learned State Counsel, on instructions of SI Ramanpreet Kaur, could not dispute that there is no MLR with regard to allegation of rape and it is also not disputed that the victim is aged about 29 years.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, this petition is allowed and petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

08.01.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No