

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

206

CRM-M-142-2021

Decided on : 03.12.2021

Bharat Bhushan

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. A.S. Sidhu, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Balwinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 242, dated 24.11.2020, lodged under Sections 376, 420, 506 of IPC, registered at Police Station Division No.2, Pathankot, District Pathankot (Annexure P-1).

Learned counsel for the petitioner submits that both the prosecutrix as well as the petitioner were in consensual relationship and it was on account of some trivial misunderstanding, the prosecutrix got the FIR in question registered against the petitioner. However, subsequently the prosecutrix by way of a duly sworn-in affidavit stated that she did not want to pursue the criminal case against the petitioner, as she had solemnized marriage with the petitioner.

Learned counsel for the petitioner submits that pursuant to order dated 03rd September, 2021, passed by this Court, the petitioner has joined investigation.

Learned State counsel on instructions from ASI Balwinder Kumar, has not been able to controvert the submissions made by learned counsel for the petitioner *qua* the affidavit, which has been duly sworn-in by the complainant, subsequent to the registration of the FIR in question and the marriage which the parties have stated to have solemnized on 07th December, 2020, subsequent to the registration of the FIR in question.

Learned State counsel further does not dispute the factum of the petitioner having joined investigation. He, on instructions submits that the petitioner is not required for further investigation, much less, custodial interrogation.

In view of the above, the petition is allowed and interim order dated 03rd September, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 03, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*