

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(104)

CRM-M-239-2019(O&M)
Date of Decision: 09.07.2021

Ramandeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Ms. Ekta Sharma, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.220 dated 13.11.2018 under section 376 I.P.C, registered at Police Station, Mataur, District S.A.S Nagar, Mohali.

The case in hand has a chequered history. Notice of motion in the case was issued and thereafter the complainant/prosecutrix, who was represented through counsel, also joined proceedings. During the course of arguments, counsel for the petitioner apprised the Court that the petitioner was ready to marry the complainant/prosecutrix and on this assurance, this Court granted interim bail of 15 days to the petitioner on 26.2.2019. Thereafter, the petitioner and the complainant performed marriage and the same fact was brought to the notice of the court. The interim order granted

remained continued. However, on 23.9.2019, on some apprehension shown by the complainant the proceedings before the Trial Court were stayed. Thereafter, when the case came up for hearing on 29.11.2019 it was submitted by counsel for the petitioner that the petitioner has been acquitted by the Trial Court on 23.9.2019 and he produced a photocopy of the judgement dated 23.9.2019 passed by the learned Special Court, S.A.S Nagar, Mohali. Counsel for the complainant raised an objection to the same for the reason that this Court vide order dated 23.9.2019 itself had stayed the further proceedings before the Trial Court, then, in such a situation the Trial Court could not have pronounced its judgement vide which the petitioner had been acquitted.

Taking into consideration the arguments of learned counsel for the parties, this Court directed the parties to file their respective affidavits to clarify whether the order passed by this Court dated 23.9.2019 was conveyed to the Trial Court or not. The case remained pending thereafter and in pursuance to the order passed, the affidavits are filed by the parties, which are placed on record. A perusal of the same would show that the petitioner had shown his ignorance about the stay order passed by this Court on 23.9.2019, whereas the complainant is refuting the same and has mentioned in the affidavit that the petitioner intentionally did not bring it to the notice of the Trial Court. It has been further alleged in the affidavit by the complainant that the behavior of the petitioner is cruel with her after the acquittal.

Mr. Navkiran Singh learned counsel for the petitioner has submitted that the petition had been filed for the grant of bail to the petitioner in which he was falsely implicated in a highly clandestine manner

but very fairly submits that now the petitioner stands acquitted and therefore, no cause of action survives for the adjudication in the matter. Counsel further submits that the complainant/prosecutrix has already filed an appeal against the acquittal order dated 23.9.2019 passed by the Special Court, S.A.S Nagar, Mohali, whereby the petitioner has been acquitted. However, counsel submits that the affidavits have been filed in pursuance to the order passed by this Court vide order dated 5.3.2020.

Ms. Ekta Sharma, Advocate appearing on behalf of the complainant/prosecutrix has fairly endorsed the submissions raised by learned counsel for the petitioner that this petition has become infructuous qua the grant of bail to the petitioner. She further submits that she has also placed on record the affidavit of the complainant in pursuance to the order dated 5.3.2020. She has candidly submitted that though, the main prayer made in the petition has already become infructuous but after the acquittal, behavior of the petitioner has become cruel towards the complainant as he keeps harassing her.

I have heard learned counsel for the parties at length and have gone through the records carefully.

There is no gainsaying that the present petition has been filed praying for grant of bail to the petitioner. Admittedly, the petitioner stands acquitted by the Trial Court vide order dated 23.9.2019. The petitioner and the complainant/prosecutrix are husband and wife as on date. There is nothing on record to show that the order passed by this Court on 23.9.2019 staying the proceedings before the Trial Court, was conveyed to the Trial Court through some proper channel. Thus, the Trial Court was well within its domain to pronounce its judgement. So far as the allegations and counter

allegations of both the parties against each other regarding communication of the orders and causing harassment, are totally disputed questions of fact and this Court would refrain from going into such allegations. If, the complainant/prosecutrix is aggrieved by the order of the acquittal passed by learned Trial Court, then, it is well within her rights to agitate the same before the court of competent jurisdiction in accordance with law. For the rest of the issues raised, she is at liberty to seek her remedies in accordance with law.

In the overall facts and circumstances, this Court finds no further cause of action survives for the adjudication by this Court. As a result, present petition is disposed of as having been rendered infructuous.

(RAJESH BHARDWAJ)
JUDGE

09.07.2021

lucky

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