

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5799-2021 (O&M)
Date of decision: 16.03.2021

Charan Pal Khullar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amitabh Tewari, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Anterpreet Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.168 dated 08.06.2020 under Sections 376, 420, 506 IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

While granting interim bail to the petitioner, following order was passed by this Court on 09.02.2021: -

“...Counsel for the petitioner has argued that as per the allegations in the FIR, the victim came in contact with the petitioner about 07 years ago and had developed acquaintance

with the petitioner and later on, on account of the fact that the petitioner promised to marry her, she developed a live-in relationship with him. Thereafter, the complainant came to know that the petitioner got married on 13.10.2018 and this fact was not disclosed to the victim and the petitioner continued to make physical relations with her and in the meantime, she became pregnant and forcibly her abortion was got conducted on 17.03.2020. It is further stated that the petitioner is extending threats to the victim.

Counsel for the petitioner has further submitted that it was a case of consensual relationship between both the petitioner and the victim and the petitioner had filed a civil suit, which is pending before the Civil Court at Amloh, praying for decree of permanent injunction to restrain the complainant from extorting any money. Later on, a compromise was effected between the petitioner and the complainant on 02.11.2018 in which the complainant stated that the petitioner has never misbehaved and the civil suit was withdrawn.

Thereafter, when the complainant again started harassing the petitioner, the petitioner filed a criminal complaint under Sections 384, 420, 506 and 120-B IPC and another civil suit restraining the complainant from extorting any money and the said complaint and suit are pending before the competent Court of law.

Counsel for the petitioner has further submitted that later on, the complainant filed a petition i.e. CRM-M No.14164 of 2020, which was disposed of on 05.06.2020 directing the police authorities to look into the grievance of the complainant and thereafter, the present FIR has been registered.

Counsel for the petitioner has also submitted that since the local police did not investigate the FIR properly, the petitioner has even filed CRM-M No.41159 of 2020, praying for transfer of the investigation and the said petition is pending for 16.03.2021.

Counsel for the petitioner has relied upon certain photographs to show that the petitioner and the complainant had enjoyed intimate relationship.

Counsel for the petitioner has, lastly, argued that to show his bona fide that the petitioner is not harassing the complainant in any manner, the petitioner is ready to deposit a sum of Rs.5.00 lacs with the Illaqa Magistrate within a period of 01 month from today, subject to final outcome of the trial.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court through video conferencing accepts notice on behalf of the respondent – State while Mr. K.S. Brar, Advocate has appeared on behalf of the complainant.

In reply, counsel for the State assisted by counsel for the

complainant has opposed the prayer for bail on the ground that there are direct allegations against the petitioner that he developed physical relations with the victim on the pretext of getting married, however, the petitioner got married to another lady on 13.10.2018 and this fact was concealed from the victim and the petitioner continued to maintain physical relations with the complainant/victim, who even became pregnant and later on, the pregnancy of the victim was terminated without her consent.

Counsel for the complainant has submitted that the petitioner is in habit of filing false complaints/civil suit and the complaints before the police authorities against the complainant and he is an influential person and in case, the anticipatory bail is granted, the petitioner may again start blackmailing the complainant.

In reply, counsel for the petitioner has submitted that since the petitioner has volunteered to deposit a sum of Rs.5.00 lacs with the Illaqa Magistrate within a period of 01 month from today, if at any stage, the petitioner is found misusing the concession of anticipatory bail, the said amount be forfeited...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation and has also deposited Rs.5.00 lacs with the Illaqa Magistrate.

Learned State counsel, on instructions from SI Navneet Kaur, has not disputed the factual position and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 09.02.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

16.03.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No