

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-37099-2020 (O & M)
Date of Decision: February 16, 2021**

KULJINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. G.S. Brar, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.187 dated 03.10.2020, under Section 376 IPC (initially FIR No.280 dated 03.08.2020 under Section 376 IPC was registered at Police Station City Muktsar which was transfer to police station Cantt. Bathinda) registered at Police Station Cantt. Bathinda, District Bathinda.

Learned counsel for the petitioner contends that it is alleged that the petitioner and the complainant were in a relationship since 2015. They developed physical relations in the year 2019. The petitioner promised to marry the complainant and he later resiled from the promise. He further contends that mere breach of promise to marry the complainant would not amount to rape and it is only when there is an intention to deceive at the very inception or to make a false promise, at the outset, a case under Section 375 IPC would be made out.

He also contends that there is no averment in the complaint that the petitioner had been fraudulent or had intention to deceive at the very inception when they

entered into a physical relationship. He has relied upon the judgments of the Supreme Court in the case of **Parmod Suryabhan Pawar Vs. State of Maharashtra and anr., 2019 AIR (SC) 4010** and **Maheshwar Tigga Vs. State of Jharkhand, 2020(4), RCR Criminal 470**. He also contends that the matter has also been compromised and the copy of the affidavit of the complainant is at Annexure P-2.

Learned counsel for the complainant, however, contends that the allegations against the petitioner are very serious and, therefore, he is not entitled to the concession of anticipatory bail.

This Court, by the order dated 23.12.2020, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from SI Jaswinder Kaur, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 23.12.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

February 16, 2021
A.Kaundal

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