

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

205

CRM-M-42354-2020 (O&M)

Date of Decision: 20.04.2021

GURPREET SINGH @ GOPI

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. Saurabh Kapoor, Advocate for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No.238 dated 11.09.2020 registered under Sections 376, 506, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Division No.7, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner states that the petitioner and the complainant, namely, Rupali @ Riya, had a love affair. Even in the statement recorded under Section 164 Cr.P.C., the prosecutrix categorically stated that she wanted to marry the petitioner, after attaining the age of majority. It is further stated that no rape has been committed by the petitioner.

Learned counsel for the petitioner further submits that the marriage of petitioner with respondent No.2 was solemnized on 19.03.2021 and since then, both of them have been residing together as husband and wife. In support of his contentions, learned counsel for the petitioner relies upon the judgment passed by Hon'ble Supreme Court in Criminal Appeal Nos.394-395 of 2021 in case titled Ananda D.V. vs State and Another decided on 12.04.2021.

Marriage certificate dated 19.03.2021 issued by Gurdwara Singh

Sabha, Jandiala (Begampur), District Hoshiarpur, evidencing marriage of the couple, sent through e-mail, is taken on record as Mark-A.

On the other hand, learned State counsel on the instructions from SI Sandeep Rani, submits that he has no knowledge regarding the aforesaid marriage.

Learned counsel for respondent No.2 has not disputed the factum of marriage of petitioner with respondent No.2.

I have heard the learned counsel for the parties, .

On 08.01.2021, this Court has granted interim protection to the petitioner enabling him to perform marriage with respondent No.2, which admittedly was solemnized on 19.03.2021 and since then, the couple has been residing together as husband and wife.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for cancellation of bail.

20.04.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*