

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

**CRM-M-7695-2021 (O&M)
Date of decision : 17.02.2022**

Satnam Singh **Petitioner**

versus

State of Punjab **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sumit Kumar, Advocate and
Mr. Abhimanyu Kalsy, 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.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0011 dated 10.01.2021, under Sections 376 and 420 (Section 377 IPC added later on) of Indian Penal Code, 1860, registered at Police Station Dehlon, District Ludhiana.

Vide order dated 18.02.2021 while granting interim protection, the petitioner was directed to join investigation.

Learned counsel for the petitioner has submitted that pursuant to order dated 18.02.2021, petitioner has joined the investigation and duly cooperated with the investigating agency. He submits that the crux of the whole allegations in the FIR is that the petitioner established physical relationship with the complainant on the false promise of marriage. He

further submits that petitioner is a bachelor whereas, complainant is married and mother of two children. He submits that in the facts and circumstances and the law settled by the Hon'ble Supreme Court in the judgment titled as Pramod Suryabhan Pawar Vs. The State of Maharashtra and others (2019) 9 SCC 608, it is debatable whether from the allegations in the FIR offence under Section 376 IPC is made out or not.

Learned State counsel has affirmed the fact that petitioner has joined the investigation. However, he submits that some recoveries are yet to be effected.

Learned counsel for the complainant vehemently opposes the submissions made by learned counsel for the petitioner. He submits that petitioner allured the complainant and it was on the promise of marriage given by him that the complainant entered into a physical relationship with him. He further submits that on the assurance given to the complainant by the petitioner that he would perform marriage with her, the complainant divorced her husband.

The veracity of the allegations are totally depend upon the outcome of the investigation. The Court would refrain from commenting anything on the merits of the case. However, in the attending facts and circumstances of the case, interim order dated 18.02.2021 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

17.02.2022
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No