

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

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**CRM-M-17581-2021 (O&M)
Decided on : 21.01.2022**

Kulwant Singh @ Honey

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Rajinder Kumar Singla, Advocate,
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab.

Mr. PKS Phoolka, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 93, dated 23.03.2021, under Section 376 IPC, registered at Police Station Sadar Mansa (annexed as Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that the relations between the petitioner and the prosecutrix were consensual in nature, and to begin with, the petitioner indeed intended to marry the prosecutrix, however, later on their relations turned sour, as a result of which, the prosecutrix falsely implicated him in the case in hand. Learned counsel also submits that false allegations had been leveled against the petitioner of having sired the pregnancy of the prosecutrix, as there was no medical evidence to corroborate the said fact. Learned counsel further submits that the petitioner is ready to join investigation and cooperate with the investigating agency, more so, since subsequent to the interim order dated 23rd August, 2021, vide which his arrest had been stayed by this court, he had compromised the matter with the prosecutrix on 08th November, 2021.

Learned State counsel has, however, vehemently opposed the prayer and submissions made by the counsel opposite in view of the allegations leveled by the prosecutrix. Learned State counsel has submitted that on a perusal of the FIR (annexed as Annexure P-1), there could not be any manner of doubt that the petitioner in fact never had any intentions to solemnize marriage with the prosecutrix. While drawing the attention of this Court to the allegations leveled in the FIR in question, learned State counsel has submitted that the petitioner firstly lured a widow into a physical relationship with him and once she became pregnant, he very conveniently ditched her by stating that his parents would not permit him to solemnize marriage with her.

Learned State counsel has vehemently contested the submissions of the learned counsel opposite *qua* there being no medical evidence to corroborate the allegations levelled by the prosecutrix. He has submitted that the allegations leveled by the prosecutrix were duly corroborated by the medical evidence collected by the investigating agency, as she was indeed found carrying a pregnancy of 13 weeks and 05 days. Learned State counsel has further submitted that the petitioner had very conveniently after the registration of the FIR in question and after his arrest having been stayed vide order dated 23.08.2021, compromised the matter with the prosecutrix on 08th November, 2021, which clearly hinted that the petitioner had misused the said concession and had pressurized the prosecutrix to compromise for reasons but obvious. Learned State counsel, on instructions, has prayed for dismissal of the instant petition, as the custodial interrogation of the petitioner would be required by the investigating agency in the wake of the allegations leveled against him.

Mr. PKS Phoolka, Advocate, who has put in appearance on behalf of the prosecutrix (complainant), does not deny the allegations levelled by the prosecutrix against the petitioner in the FIR in question. However, he does submit that the petitioner had compromised the matter with the prosecutrix, subsequent to the order dated 23rd August, 2021, vide which his arrest had been stayed.

Heard and perused the material on record.

Prima facie, it does not appear that the petitioner had honorable intentions to marry the prosecutrix because had it been so he would not have

refused to marry her and leave her in a lurch specially after coming to know about her pregnancy.

Coming to the purported compromise effected between the Petitioner and the prosecutrix, this court would refrain from commenting on the same more so when it has been brought to the notice of this court that the petitioner has also approached this court under Section 482 Cr.P.C. for quashing of the FIR in question, not on the basis of compromise between the parties but on merits.

In the facts and circumstances, as enumerated hereinabove, this Court does not find it to be a fit case to extend the extraordinary concession of anticipatory bail to the petitioner.

Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 21, 2022

J.Ram

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