

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-27352-2022

Date of decision : 19.07.2022

Harman Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Manuj Nagrath, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.02 dated 15.01.2022 registered under Section 376 IPC at Police Station Sadar Raikot, Ludhiana Rural, District Ludhiana.

On 24.06.2022 this Court had passed the following order: -

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 02 dated 15.01.2022 registered under Sections 376 of the Indian Penal Code, 1860 at Police Station Sadar Raikot, Ludhiana Rural, District Ludhiana (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the complainant-prosecutrix was already married to one Amandeep Singh son of Jaswant Singh on 05.03.2020 and was engaged in the business of stitching clothes. It is alleged in the FIR that the complainant was allured by the petitioner that his sisters are living abroad and that he forced to get married to her after she obtains divorce from her husband and also promised to take her abroad. It is contended that under the said pretext, the complainant agreed to enter into a physical relationship with the petitioner and that the last physical relationship took place on 21.11.2021. The FIR in question was lodged on 15.01.2022 after a period of nearly 02 months of the incident in question. He further makes a reference to the Whatsapp chat/communication between the complainant as well as the petitioner after the alleged incident which reflects that it was rather the complainant who was continuously pursuing the petitioner and that he had even blocked her mobile number. He contends that even in the said communication there is no reference that the petitioner had any point in time made any promise or assurance to get married or had not fulfill his assurance. He further contends that the complainant is in the habit of leveling such allegations and that even at an earlier instance, she had leveled similar allegations against one Harpreet Singh and a compromise was executed on 08.05.2020 wherein the Panchayat had noted that the complainant realized her mistake and had also made regrets and assure that she will not indulge further in any

such similar activities. He further submits that the custodial interrogation of the petitioner is not required in the present case and that the petitioner is ready and willing to join the investigation as and when required to do so.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 19.07.2022, for further consideration.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined the investigation; has cooperated with the investigating agency and that his custodial interrogation is not required by the State.

In the light of the reasons stated in the afore quoted order as also the statement made on behalf of the State, the order of this Court dated 24.06.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

19.07.2022

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No