

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

CRM-M-1413-2023
Date of Decision:-11.01.2023

Gursewak Singh

.....Petitioner

Versus

State of Punjab.

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. A.S. Samra, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

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

ALOK JAIN, J. (Oral)

Prayer is for grant of anticipatory bail in case FIR No.009 dated 07.12.2022, under Sections 376, 506 of IPC (Annexure P-1), registered at Police Station Women Police Station, Sangrur.

Learned counsel for the petitioner has submitted that the FIR is false and the petitioner and the complainant were in a relationship on their own free will from the last three years. He submitted that the physical relationship between the parties was consensual, and hence, Section 376 IPC is not attracted.

He relies upon the judgment of Hon'ble Supreme Court of India in case titled as "***Dr. Dhruvaram Mulidhar Sonar vs. State of Maharashtra and Ors.***" and judgment of Hon'ble Rajasthan High Court in

case titled as “*Sahin Sukhla vs. State of Rajasthan*” and judgment of Hon’ble Orissa High Court in case titled as “*Santosh Kumar Nayak vs. State of Odisha*”. He also submits that the complainant executed an affidavit on 29.07.2022 (Annexure P-2) and also made a statement on 25.08.2022 (Annexure P-3) that she does not want to take any legal action against the petitioner. However, subsequently the present FIR has been lodged on 07.12.2022.

On the strength of the above, learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner.

Per contra, learned counsel for the State assisted by the counsel for the complainant, who has put in appearance, submits that the petitioner has played with the life of the complainant and for three years, he kept on promising and created misconception that he will get married to her. He further submits that the petitioner is trying to play hide and seek with the complainant and as and when a situation arises or a complaint is made, just to wriggle out the complexities, he agreed and accordingly, to save himself, the petitioner got engaged with the complainant on 24.07.2022. It was due to the said assurance and convincing power of the petitioner that the complainant executed the said affidavit and withdrew the complaint given earlier. He further submits that the marriage was fixed for 03.12.2022 but just before the said date, the petitioner refused to marry and it was only thereafter, the petitioner left with no alternative except to file the present FIR on 07.12.2022. He further submits that the petitioner is in habit of ruining the life of the girls and now living with another girl namely, Manpreet Kaur d/o Jaswant Singh after ruining her life.

I have heard the learned counsel for the parties.

The judgment relied upon by the petitioner in case titled as “*Dr. Dhruvaram Mulidhar Sonar vs. State of Maharashtra and Ors.*” is not attracted in this case as in the present case, the petitioner and the complainant were not married and, therefore, the fact that the petitioner did get engaged to the complainant on 24.07.2022, which demonstrates that there was a positive promise to marry. However, at the last moment, the petitioner has tried to raise the shield of temperamental differences.

Be that as it may, at this stage, since the serious allegations have been raised in the FIR, which requires deep investigation, the petitioner is not entitled to the discretionary concession of anticipatory bail.

Hence, the present petition is dismissed being devoid of merits.

(ALOK JAIN)
JUDGE

11.01.2023

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