

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

232

CRM-M-4497-2023

Date of Decision: 24.02.2023

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Atul Goyal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab

Mr. J.S. Khiva, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 06.02.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No. 01 dated 4.1.2023, under Sections 376, 313 and 506 IPC, registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana.

Case of prosecution, as per FIR, is that prosecutrix lodged a complaint against the petitioner alleging that her husband is a sick person and she was in need of financial assistance. The petitioner is a policeman and he taking advantage of his position and precarious financial condition of the complainant sexually exploited her. He is making sexual relations with her for last 15 years. Now he is compelling her to have physical relations with other police officials. She got pregnant from the petitioner and had to undergo abortion under the pressure of the petitioner.

Learned counsel for the petitioner inter alia contends that prosecutrix is not minor and she at her own accord made physical relations with the petitioner. The prosecutrix is in physical relations with petitioner for last 15 years, thus, no offence under Section 376 IPC is made out.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab who is present in court on advance notice, accepts notice on behalf of State-respondent.

The petitioner is not disputing his physical relations with prosecutrix.

Let an affidavit of SSP be filed disclosing whether by any notification, rule or regulation, it is permissible in State of Punjab for policemen to have extra martial physical relations.

Adjourned to 17.2.2023.”

Affidavit dated 24.02.2023 of Ravcharan Singh Brar, Joint Commissioner of Police (Rural), Ludhiana filed by respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

In the reply, the State has categorically stated that there is no notification, circular, rule or regulation permitting a police official to have extra marital physical relations during service.

The petitioner stands suspended. The petitioner is categoric in his stand that he was having extra marital physical relations with prosecutrix during his service. The petitioner has committed grave and serious offence and does not deserve concession of anticipatory bail. Being member of armed forces, he was duty bound to maintain high moral standard. His act amounts to moral turpitude.

In view of afore-stated facts and circumstances, the present petition deserves to be dismissed and accordingly dismissed.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>