

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19232-2023 (O&M)
Date of decision : 27.07.2023

Rohit Sahota ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prabhjot Singh Mann, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.51 dated 08.03.2023 under Section 376 of the Indian Penal Code, 1860 (IPC), registered at Police Station Samrala, District Ludhiana.
2. On 20.04.2023 the following order was passed :

“Rohit Sahota has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 51 dated 08.03.2023 under Section 376 of IPC, registered at Police Station Samrala, District Ludhiana. Learned counsel for the petitioner argued that the petitioner was in living relationship with the prosecutrix. She had not obtained divorce from her previous husband and then she started insisting to

marry her. The allegations levelled against him are false. In fact, it is the prosecutrix who is pressurizing him by sending objectionable pictures that she is consuming certain tablets as well as by sending pictures of cut wound which are Annexure P-3. It is argued that the petitioner is ready to join the investigation. Therefore his arrest may be stayed.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State. He has placed on record one copy of statement recorded under Section 164 Cr.P.C. which further reveals that out of this living relationship, the petitioner and the prosecutrix has got a daughter. The counsel for petitioner claim that the said child is handed over to the relative of petitioner – Rohit Sahota. Considering the aforesaid facts, detailed status report is required to be filed.

Let, status report be filed by respondent – State on or before the next date of hearing.

Adjourned to 05.07.2023. ”

Thereafter, on 15.05.2023 the following order was passed :

“Learned State counsel has filed status report, which is taken on record.

The complainant is a married lady and the petitioner has admitted that they were in live-in-relationship. He is ready to join the investigation. He has also placed on record certain photographs which are referred in the previous order.

Considering the status report as well as the facts of the case, the arrest of the petitioner is stayed till the next date. He is directed to join the investigation as and when

required by the Investigating Officer.

Adjourned to 27.07.2023.”

3. Learned counsel has stated that the petitioner and the complainant were in a long consensual relationship and that out of the relationship, admittedly, 02 children were also born. Learned counsel for the petitioner has further stated that pursuant to the orders dated 20.04.2023 and 15.05.2023, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Davinder Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned counsel for the State has also referred to the status report filed by way of affidavit of Sh. Waryam Singh (PPS), Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana wherein it has been stated that the petitioner and the complainant were in a long term live-in-relationship and out of the relationship 02 children were also born. It is further stated that there appears to have been some sort of compromise also between the parties. However, terms of the compromise were not complied with and thereafter the present FIR was lodged.

5. In view of the above, the orders dated 20.04.2023 and 15.05.2023 are made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

27.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO