

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****229****CRM-M No. 32181 of 2023 (O&M)  
Date of decision : 12.07.2023**

Jagdish Singh

... Petitioner(s)

Versus

State Of Punjab

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. C.S. Rana, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Ms. Himani, Advocate for the complainant.

**ALKA SARIN, J. (ORAL)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.65 dated 27.04.2023 under Sections 376, 365, 366 and 342 of the Indian Penal Code, 1860 registered at Police Station Sadar Jagraon, District Ludhiana.

2. Learned counsel for the petitioner would contend that the complainant was earlier married to one Gurwinder Singh in the year 2014 and from the wedlock, one son – Shubhdeep Singh – was born. She stayed with Gurwinder Singh for about 02 years and thereafter obtained a Panchayati divorce and later solemnized marriage with Sukhraj Singh with whom she stayed for 05 years. It is further the contention of learned counsel for the petitioner that thereafter the complainant was residing with the petitioner voluntarily and they were in consensual relationship for a period of 03 years. Learned counsel for the petitioner has further pointed out that

though in the FIR allegations were made that the petitioner herein on 22.04.2023 forcibly took the son of the complainant and thereafter forced her to have physical relations with him, however, in her statement under Section 164 CrPC it has simply been stated that she does not wish to stay with the petitioner. The FIR itself was lodged on 27.04.2023 and the complainant also refused to get herself medically examined. Learned counsel for the petitioner further states that the matter now stands compromised.

3. Learned State counsel on instructions from ASI Sukhmander Singh has stated that the complainant in her statement under Section 164 CrPC has simply stated that she does not wish to stay with the petitioner. It has further been stated that it has been confirmed that the parties have also since compromised the matter and the challan stands presented in the instant case.

4. Learned counsel for the complainant has also reiterated that the parties have since compromised the matter.

5. I have heard learned counsel for the parties.

6. In view of the above, without commenting on merits of the case and considering the fact that the complainant in her statement recorded under Section 164 CrPC has simply stated that she does not wish to stay with the petitioner and that the parties have also entered into a compromise, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds with surety to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the

concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off.

( ALKA SARIN )  
JUDGE

12.07.2023

jk

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