

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

**CRR No.2440 of 2023
Date of Decision: 20.10.2023**

Gurpiyar Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Deepak Gupta, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner has laid challenge to the order passed by learned Judge, Special Court, SAS Nagar (Mohali) on 05.10.2023, whereby the application moved by respondent No. 2-complainant/prosecutrix (here-in-after to be referred as 'P') has been allowed and the relief of regular bail, as extended to him (petitioner) earlier vide the order dated 15.09.2022 (Annexure P-5), has been cancelled.

2. As per the brief factual-matrix, culled out from the record, culminating in the filing of the present petition, 'P' had got a criminal case registered against the petitioner-accused vide the FIR bearing No.6 dated 05.01.2021 at Police Station Sohana, S.A.S. Nagar, Mohali, under Sections 313, 376(2)(n), 376-D, 506 & 120-B IPC. After the presentation of the Challan and framing of the Charges in the above-said case, 'P' stepped into the witness-box as PW-1 on 10.08.2022 and she resiled from supporting

the version of the prosecution. Consequent upon the dismissal of his first application for seeking the relief of regular bail, by the concerned Court below, the petitioner preferred the petition bearing **CRM-M No.34813 of 2021** in this Court and the same was dismissed by the Co-ordinate Bench on 31.08.2022 vide order Annexure P-2, while considering the following contentions as raised by learned counsel for 'P' therein:-

“Learned counsel for the complainant has opposed the submissions made by counsel for petitioner. The complainant is also present in court with her counsel. Counsel submits that the petitioner in a clandestine manner has cheated the prosecutrix. She submits that the petitioner physically exploited the prosecutrix for a considerable long time on the promise of marriage. During that time prosecutrix became pregnant, however, her pregnancy was forcibly terminated and she was assured of marriage by the petitioner. Though the marriage was performed by the petitioner, however, it was realized that same was performed only in order to wriggle out of any criminal action against the petitioner. Soon after the marriage the prosecutrix was abandoned. It is submitted that the petitioner has physically exploited the prosecutrix before entering into the marriage and the offence under section 376 IPC is straightway attracted. Counsel submits that prosecutrix /complainant resiled from her statement under the threat of the petitioner. She submits that the petitioner has cheated the prosecutrix and he does not deserve any leniency by this Court.”

and while observing as under:-

“Admittedly, both petitioner and prosecutrix were in consensual relationship for a considerable long time. The petitioner allegedly established physical relations with the prosecutrix on the promise of marriage. The prosecutrix also became pregnant, however, her pregnancy was forcibly terminated. Complainant/prosecutrix is also present in court with her counsel and has opposed the submissions made by counsel for petitioner. Out of the total 17 prosecution witnesses only one has been examined so far and rest of the witnesses remain to be examined.”

However, thereafter, the petitioner filed the second application (Annexure P-4) in the concerned Court below, praying therein for grant of the relief of regular bail and the same was allowed vide the order dated 15.09.2022 (Annexure P-5).

3. Mr. Jashandeep Singh, learned Assistant Advocate General, Punjab has appeared on behalf of respondent No.1 in pursuance of the copy of the instant petition having been sent to the respondent-State in advance and Ms. Jasneet Mehra, Advocate, has also put in appearance on behalf of respondent No.2-complainant/prosecutrix ('P') in this petition and has submitted her Power of Attorney in the Court today and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for respondent No.2, in the present petition, at the preliminary stage and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that learned trial Court has gravely erred in observing in the impugned order that in his second bail application, i.e Annexure P-4, the petitioner had not disclosed the factum regarding the dismissal of the afore-referred bail petition by this Court vide the order Annexure P-2 whereas in fact, in Note-2 as appended in the above-said second bail application, the petitioner has categorically mentioned/disclosed this fact and in these circumstances, the impugned order deserves to be set aside.

6. Per-contra, learned State counsel and learned counsel for respondent No.2 argue that the petitioner, after the recording of the testimony of 'P' in the Court on 10.08.2022, has again mal-treated her ('P') and has thrown her out of his house and this act and conduct on his part, in itself, speaks volumes of the fact that he had married 'P' just to wriggle out of the criminal proceedings launched against him vide the afore-said FIR and learned Court below has rightly cancelled the relief of regular bail as extended to the petitioner and it being so, this petition be dismissed.

7. Admittedly, 'P' had appeared in the witness-box as PW-1 and had made the depositions on 10.08.2022. As mentioned in the preceding paragraphs, her counsel, while representing her in the above-mentioned bail petition before this Court, had specifically contended that the petitioner had cheated her and had abandoned her soon after performing the marriage with her. Though, the petitioner has mentioned in Note-2 in his afore-said second bail application (Annexure P-4) that his bail petition was dismissed by this Court vide order Annexure P-2 but the Court below has correctly

observed in Para No.14 of the impugned order that in his second bail application, the petitioner had concealed the factum of 'P' having appeared before this Court to oppose his above-said bail petition.

8. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity and perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

20.10.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*