

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59019-2023 (O&M)

Date of Decision: 16.12.2023

RANJIT SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gurcharan Singh Bains, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, D.A.G., Punjab.

HARPREET KAUR JEEWAN J. (ORAL)

1 The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0134, dated, 14.09.2023, registered at Police Station Division No. 4, District Patiala, under Sections 376 and 506 IPC.

2. The brief facts of the case are that the prosecutrix-complainant filed a complaint dated 13.04.2023 before the Senior Superintendent of Police, Patiala, against the petitioner and thereafter, another complaint dated 09.06.2023 was filed which was received by the Senior Superintendent of Police, Patiala, through the DGP, Punjab, wherein the allegations are that for the last about 05 years, the petitioner had physical relationship with the prosecutrix under the pretext to marry her but he did not perform the marriage. A '*Panchayat*' was also convened by the mother and relatives of the prosecutrix but the petitioner and his family refused to marry the petitioner with the prosecutrix. An inquiry was conducted by the DSP Circle, Samana, on both the said complaints and ultimately, the FIR

was registered. The prosecutrix made a statement under Section 164 Cr.P.C. (Annexure R-1), however, she refused to get her medical examination conducted.

3. Counsel for the petitioner submitted that it was a consensual relationship and even the prosecutrix did not give her consent for medical examination, as such, the offence under Section 376 IPC is not made out. The petitioner is ready to join the investigation.

4. On the other hand, learned State counsel opposed the petition, on the ground that the investigation is at nascent stage. Upon instructions from ASI Baljinder Kaur, learned State counsel informed that an inquiry, before registration of the FIR, was conducted by DSP Neha Aggarwal.

5. Mr. Deepak Madan, Advocate, appears on behalf of the complainant and filed his power of attorney in Court today. The same is taken on record.

6. He submits that there are serious allegations against the petitioner under Section 376 IPC and therefore, he does not deserve the concession of anticipatory bail.

7. The prosecutrix is major. She is self employed. Petitioner is stated to be working with the prosecutrix on commission basis for loan business being done by the prosecutrix. Prosecutrix is in contact with the petitioner since 05 years. Allegations of sexual abuse are on the pretext of performing marriage which later on petitioner has refused to perform. Prosecutrix even refused to get herself medically examined.

8. Without making any comment on the actual merits of the case and in view of the reasons recorded hereinabove, the present petition is allowed, subject to the following conditions:-

- (i) That the petitioner shall join the investigation within 05 days from today and further make himself always available for the interrogation as and when called by the investigating officer;
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.

9. It is also made clear that if the petitioner does not comply with the aforesaid conditions, the State would be at liberty to file an appropriate application/petition for cancellation of the present order.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

December 16, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No