



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

CRM-M-1340-2024 (O&M)

Reserved on: 22nd August 2024

Date of decision: 22nd November 2024

KAWALJEET SINGH

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Balkaran Singh Aulakh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. D.N. Ganeriwala, Advocate and
Mr. Kanisth Ganeriwala, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) for grant of anticipatory bail to the petitioner in case FIR No.404 dated 18.11.2023, under Section 376 IPC, 1860, registered at Police Station City Faridkot, District Faridkot (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner was in a live-in relationship with the complainant with her free consent. The complainant is major and she executed an affidavit (Annexure P-2). The present FIR has been got registered as the relations *inter se* the petitioner and respondent No.2/complainant turned sore. As such, the offence under Section 376 IPC is not attracted. Even the complainant has filed a suit for recovery of damages (Annexure P-3) against the family members of the petitioner in order



to extract money. It is further contended that the petitioner has joined investigation in compliance of the order dated 23.01.2024, passed by this Court.

3. On the other hand, the learned State counsel, while referring to the status report dated 01.03.2024, has opposed the present petition. However, this fact has been confirmed that the petitioner has joined investigation on 27.01.2024 in compliance of the order dated 23.01.2024, passed by this Court. It is further submitted that during the investigation, the medico-legal examination of the prosecutrix-complainant was also got conducted at Civil Hospital, Faridkot on 22.11.2023 and her statement was also recorded under Section 164 Cr.P.C., wherein, she has reiterated the allegations against the petitioner.

4. Learned counsel for respondent No.2, while referring to the short reply dated 01.04.2024, has also opposed the present petition. It is contended that from the beginning, the petitioner had been making false and fraudulent assurance to marry the prosecutrix. The petitioner made her believe that he is single and unmarried. However, later on, respondent No.2 discovered that the petitioner was already married and he was a child.

5. I have heard the learned counsel for the parties and perused the paper book.

6. There are allegations against the petitioner that he has made physical relations with the prosecutrix for a long time on the pretext of marrying her. The petitioner is working in Punjab Police and posted as MHC in District Court, Ferozpur. After some period, the petitioner turned out the



prosecutrix from his house and thereafter, she made a complaint to the Superintendent of Police, Faridkot. The petitioner was issued a notice by the Police authorities in the said complaint. The petitioner appeared before the Police authorities and agreed to solemnize marriage with the complainant/prosecutrix. However, he did not keep up the said promise. As per the inquiry conducted by the Superintendent of Police, Faridkot, it was found that the petitioner came in contact with the prosecutrix in September 2022 during their visit in a gym and they started interacting with each other.

7. It is the contention of the petitioner that the prosecutrix was aware of the fact that the petitioner is married. As such, she executed a duly-sworn affidavit dated 21.10.2022 (Annexure P-2), wherein, she has confirmed that both the petitioner and the prosecutrix are in a live-in relationship with their consent and the prosecutrix is aware of the marital status of the petitioner.

8. On the other hand, the conduct of the petitioner is questionable that being an employee of Police Forces, he was carrying on his extra-marital relationship with the prosecutrix for a long time. This fact is evident from the statement of the petitioner dated 04.07.2023 (Annexure R-2/1), which is attested by RTI Cell, DPO, Faridkot. As per the said statement, the petitioner has admitted that he is in a live-in relationship with the prosecutrix for the past 09 months. He has taken a house on rent in Mudakki. He further stated that he is having an ongoing dispute with his wife-Manpreet Kaur and he has already filed a petition for divorce against his wife. He has confirmed that there was some dispute *inter se* the petitioner and the prosecutrix. However, the said dispute has now been compromised. He has further confirmed that he would treat the prosecutrix as his wedded wife and keep her with him and he will



perform all lawful and responsible duties as a husband. He further gave an undertaking that he would perform marriage with the prosecutrix soon after getting a divorce from his wife-Manpreet Kaur.

9. The facts on record further transpire that later on, the marital dispute *inter se* the petitioner and his wife-Manpreet Kaur was resolved and they started living together. The prosecutrix has filed a suit for damages on account of defamation and harassment against the first wife of the petitioner and his relatives. A perusal of the said civil suit (Annexure P-3) indicates that there is a reference of Instagram calls from the wife of the petitioner-Manpreet Kaur to the prosecutrix, which have been made the basis to file the said suit.

10. There is no plausible justification and legality of the conduct of the petitioner. However, sending the petitioner to custody pending investigation will not secure any purpose as custodial interrogation of the petitioner is not required. The petitioner has joined investigation in compliance of the order of this Court. As such, the present petition is allowed. The order of interim bail dated 23.01.2024, passed by this Court, is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

11. However, keeping in view the conduct of the petitioner, he is directed to pay cost of litigation of ₹2 lakhs to respondent No.2 within a period of one month from today by way of depositing a demand draft in favour of respondent No.2. The demand draft be submitted with the Registrar General of this Court, which shall be handed over to respondent No.2 thereafter, upon proper identification and due receipt.

12. It is made clear that nothing expressed hereinabove would be



construed to be an expression of opinion on merits of the case.

13. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

14. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd November 2024
simran

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