



Sr. No.205

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

CRM-M-9657-2024
Date of decision: 04th September 2024

GURPREET SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Yogesh Goel, Advocate;
Mr. Lakshay Goel, Advocate and
Ms. Kritika Singh, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
assisted by ASI Jatinder Kumar.

Mr. Lakshay Bector, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.163 dated 07.07.2022, under Sections 376, 506 read with Section 120-B IPC, 1860, registered at Police Station Jamalpur, District Ludhiana (Annexure P-1).
2. On 26.02.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

2. *The present petition has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in case arising out of FIR No.163 dated 07.07.2022 registered under Sections 376, 506 and 120-B of IPC at Police Station Jamalpur, District Ludhiana on the basis of statement of the prosecutrix-‘S’ (name withheld) alleging therein that she was having friendship with the petitioner and was living in live-in relationship with him. The petitioner had maintained*



physical relationship with her on the pretext of performing marriage with her. She had become pregnant thrice and every time, the petitioner got the pregnancy terminated by giving her some medicines. He continued making promises to her that he would perform marriage with her. In February 2022, she became pregnant again and at that time, she insisted the petitioner to solemnize marriage with her. The petitioner took a house on rent at Sunny Homes, CMC Colony, Hundal Chowk, Ludhiana and they started residing there from March 2022. At that time also, the petitioner insisted the prosecutrix to get abortion done but she refused to do so. Even the father of the petitioner called the prosecutrix on phone and extended threats to get her abortion done and otherwise, he would not solemnize her marriage with the petitioner. She alleged that the petitioner had left her in such condition and his father had been extended threats to her. After registration of the FIR, investigation is going on. The petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana, which has been dismissed.

The present petition has been filed on the ground and it is argued by the counsel for the petitioner that the petitioner and the prosecutrix were living in live-in relationship. The prosecutrix is older than him. He had left India on 23.06.2022 with an intention to settle in Portugal but the travel agent sent him to Dubai and now he was living there in miserable condition. It is submitted that the petitioner is ready to join the investigation and his custodial interrogation is not required. The co-accused i.e. the father of the petitioner has been extended benefit of anticipatory bail. No case under Section 376 of IPC has been made out as the relationship between the parties were purely consensual. Hence, it is argued that the petition deserves to be allowed. He support of his contention, he also placed reliance upon the judgments passed in CRM-M-16916-2020 titled as Inderpreet Singh Jhandu vs. State of Punjab and Another and CRM-M-7695-2021 titled as Satnam Singh vs. State of Punjab, passed by this Court as well as the judgment passed by Hon'ble the Supreme Court in



Criminal Appeal No.1165 of 2019 titled as Pramod Suryabhan Pawar vs. The State of Maharashtra & Another.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab who appeared on advance notice of the petition, seeks time to file status report.

Notice to respondent No.2 be issued for 20.03.2024 after depositing process fee by the petitioner.”

3. The petitioner was granted the concession of interim bail vide order dated 20.03.2024 and the following order was passed:-

“Notice was issued to respondent No.2 on previous address and same has been received back unserved for want of complete address.

Fresh notice be issued to respondent No.2 on her second address i.e. Sunny Homes, CMC Colony, Near Hunal Chownk, Ludhiana.

Today, status report dated 20.03.2024, by way of affidavit of Assistant Commissioner of Police, Industrial Area 'A', Ludhiana, on behalf of the respondent-State, has been filed by learned State counsel, in Court today, which is taken on record. A copy thereof has been handed over to the counsel for the petitioner.

Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No. 163 dated 07.07.2022 registered under Sections 376, 506 and 120B of IPC at Police Station Jamalpur, District Ludhiana (Annexure P-1).

Notice of motion for 08.05.2024.

On asking of the Court, Ms. Ruchika Sabherwal, Sr. DAG, Punjab. accepts notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The



petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr. P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 20.03.2024.

5. Learned State counsel, on instructions from ASI Jatinder Kumar, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required. He further informs that challan/final report under Section 173 Cr.P.C. has been presented before the trial Court.

6. As per the report dated 09.07.2024, received from the General Counsellor, Punjab and Haryana High Court, during the counselling, the petitioner and the prosecutrix had mutually agreed to get married within the month of July 2024.

7. Learned counsel for the petitioner has confirmed that the petitioner has solemnized marriage with the prosecutrix. He has submitted copy of the marriage certificate dated 27.07.2024, which is taken on record.

8. Investigation is complete. Challan/final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner has joined investigation in compliance of the order dated 20.03.2024.

9. In view of the reasons recorded in the order dated 20.03.2024 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 20.03.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.



11.

However, 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.
12.

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

(HARPREET KAUR JEEWAN)
JUDGE

04th September 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No