



Sr. No.203

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

CRM-M-16473-2022
Date of decision: 18th September 2024

**PARAMVIR CHAUHAN ALIAS
PARAMVEER SINGH****Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunil Panwar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. D.S. Adlakha, Advocate
for respondent No.2.

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.63 dated 16.03.2022, under Sections 323, 354-C, 376(2)(n), 377, 506 IPC, 1860, registered at Women Police Station, Yamunanagar, District Yamunanagar.
2. On 22.04.2022, following order was passed while granting interim bail to the petitioner:-

“Learned counsel for the petitioner inter-alia contends that the petitioner and respondent No.2 were in a consensual relationship but when things turn sour he has falsely been embroiled in the instant case; the petitioner has no other criminal antecedents; there is ample documentary evidence on record, which includes the complainant's affidavit, which falsifies her claim that she was not aware with regard to the petitioner's marriage; in fact, the



complainant entered into a compromise with the petitioner that she would not claim any right in pursuance to the relationship that they were having; the complainant being an adult entered into a relationship with the petitioner with her eyes open and now cannot be allowed to accuse the petitioner of rape when their relationship has not reached to a logical end; no recovery is required to be made from the petitioner and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of respondent No.1-State and Mr. D.S. Adlakha, Advocate, puts in appearance on behalf of respondent No.2.

Adjourned to 25.08.2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.63, dated 16.03.2022, registered under Sections 323, 354-C, 376(2)(n), 377 and 506 IPC at Women Police Station Yamuna Nagar, District Yamuna Nagar; he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date, the State shall file a status report."

3. Vide order dated 17.05.2024, the matter was referred to the Mediation and Conciliation Centre of this Court, however, as per the report of the Mediator dated 03.07.2024, mediation proceedings failed.

4. Learned counsel for the petitioner contends that the petitioner has joined investigation in compliance of the aforesaid order dated 22.04.2022.

5. Learned State counsel, on instructions from ASI Babita, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required. He further submits that the report of



investigation has already been prepared and the same will be filed before the trial Court shortly.

6. The counsel appearing on behalf of the complainant has opposed the present petition on the ground that there was misrepresentation on the part of the petitioner with regard to his marital status at the time of entering into the relationship. It has been further informed that there is a child out of the relationship of the petitioner and the prosecutrix and the DNA report is positive *qua* the petitioner.

7. Learned counsel for the petitioner, very candidly, offers to pay a sum of Rs.5,000/- per month for the day-to-day expenses of the minor child at this stage and he further agrees to bear all the educational expenses of the minor child.

8. I have heard learned counsel for the parties and perused the relevant documents.

9. The allegations and the counter-allegations between the parties are a matter of trial. Custodial interrogation of the petitioner is not required by the Investigating Agency.

10. In view of the detailed reasons recorded in the order dated 22.04.2022 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 22.04.2022, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

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



12. 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

18th September 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>