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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47401-2023 (O&M)

Date of Decision: 03.04.2024

HARDEEP SINGH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mitul Singh Rana, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Rishu Mahajan, Advocate
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in complaint case bearing No.COMI/84/2018 titled as 'Rajni Rani Vs. Hardeep Singh and Ors.', instituted on 29.11.2018 under Sections 376 and 506 IPC, pending in the Court of SDJM, Mukerian, District Hoshiarpur.

2. On 30.11.2023, the following order was passed:-

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in a complaint case bearing No.COMI/84/2018 titled as “Rajni Rani vs. Hardeep Singh and Others” instituted on 29.11.2018 under Sections 376 and 506 of the Indian Penal Code, 1860 pending in the Court of Sub Divisional Judicial Magistrate, Mukerian, District Hoshiarpur.

Explanation has been received. Explanation given by the Process Server is not satisfactory. The Court concerned is directed to conduct proper training for all the Process Servers to ensure that the summons are served in a proper manner. The Process Server concerned be also warned to be careful in future.

Learned counsel for the petitioner would contend that the parties were in a consensual relationship from the year 2012. The complainant took divorce in the year 2016 and thereafter also the petitioner and the complainant remained in a consensual relationship. Learned counsel for the petitioner would further contend that even if the allegation of forcible physical relations is to be believed there is a long lapse between the alleged incident and lodging of the complaint. Learned counsel for the petitioner has pointed out that initially the matter was inquired into by Deputy Superintendent of Police, Sub Division Dasuya who found that the relationship between the petitioner and the complainant was consensual.

Mr. Rishu Mahajan, Advocate has put in appearance on behalf of respondent No.2-complainant and has filed his memo of appearance, which is taken on record.

Learned counsel for the parties are ad idem that there may be a chance of an amicable settlement between the parties and pray that the matter may be referred to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.12.2023 at 10.00 am.

List on 20.03.2024.

Meanwhile, the petitioner shall surrender and join the proceedings before the Trial Court on or before 05.01.2024, the date fixed before it, and on doing so the Trial Court shall release him on interim regular bail subject to its satisfaction.”

3. Learned counsel for the petitioner has submitted that the petitioner has duly appeared before the trial Court on 05.01.2024 and is continuing to appear ever since thereafter. Learned counsel for the petitioner has further submitted that, during the course of trial, the victim has been examined as a prosecution witness and she has turned hostile.

4. This fact is ratified by learned counsel for respondent No.2.

5. In view of above, the petition is allowed and interim order dated 30.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It

shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

03.04.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No