

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

CRM-M-54507 of 2023

DATE OF DECISION :- 29.01.2024

Gurbaj Singh @ Baj Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikram Jeet Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. On 26.10.2023, the following order was passed:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 323, 354-B, 406, 376 and 498-A IPC, in a

case arising out of FIR No. 318, dated 05.06.2023, registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner submits that as per the version of the prosecution, the dispute infact arose after the second marriage performed by Saraj Singh, who is related as brother in law (sala) of the petitioner. Learned counsel for the petitioner also submits that the factum of marriage of Saraj Singh with his first wife namely, Rajwinder Kaur was well within the knowledge of the complainant-Karamjit Kaur, who also performed second marriage after the death of her first husband on 11.03.2020.

Learned counsel also contends that neither there is any serious allegation against the petitioner-Gurbaaj Singh @ Baj Singh in

regard to the alleged offences in the FIR; nor it is from the FIR that what benefit would have been received by the petitioner with the marriage of the complainant with accused-Saraj Singh.

Learned counsel also pointed out that one incident alleged in the FIR that the petitioner-Gurbaaj Singh @ Baj Singh, tore the clothes of the complainant under the influence of alcohol carries no substance in the absence of any specific date and time. As far as the allegation of selling the girls by Saraj Singh and present petitioner is concerned, even till date there is no substance with the prosecution. He also contends that never any complaint has been lodged by any person of

the society/localities, thus, allegations are vague and meaningless. Infact, complainant-Karamjit Kaur was well aware of the first marriage and had agreed to enter into the wedlock with Saraj Singh, without there being any decree of divorce as per law. Thus, in no sense offence can be claimed to have been committed under Section 376 IPC.

Notice of motion.

Mr. Surender Singh Pannu, Addl. A.G., Haryana, who is present in Court, accepts notice on behalf of respondent/State.

Learned State counsel has pointed out that custodial interrogation is required to know about the truth of the allegations levelled against the petitioner in the FIR, however, denies the fact that the FIR has been lodged after about one year of entering into the alleged marital relation of the accused-Saraj Singh.

Adjourned to 12.12.2023.

In the meanwhile, petitioner to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

Learned State counsel would file status report on or before the date fixed.”

2. Learned State counsel on instructions from SI Vedpal has stated that pursuant to the order dated 26.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. Learned counsel for the complainant has opposed the prayer of grant of anticipatory bail to the petitioner.
4. In view of above, the interim order dated 26.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read 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.
6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

29.01.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No