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

**CRM-M-32309-2022 (O&M)
Date of decision: 03.04.2025**

ARUN BEHL @ ARUN

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. D. S. Sandhu, Advocate for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Sandeep S. Majithia, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.73 dated 22.04.2022, under Sections 376, 313, 511, 506 and 120-B of the IPC, registered at Police Station Tibba, District Ludhiana, Punjab.
2. Reply has been filed by way of an affidavit of Commissioner of Police, Ludhiana in compliance of the order dated 10.02.2025 and the same is taken on record.
3. Learned counsel for the petitioner submitted that the allegations against the petitioner in the aforesaid FIR were that the complainant, who is a lady of the age of about 35 years and a divorcee had started living with the petitioner on the understanding that the petitioner will marry her and thereafter,



twice the parties entered into a compromise with regard to transfer of some money and a house as well but there was a breach of the said compromise. He further submitted that as per the allegations contained in the FIR, developing of physical relations by the petitioner with the complainant, if any, was consensual in nature. He further submitted that in the present case, the arrest of the petitioner was stayed on 02.08.2022, which is more than 2½ years ago and thereafter, he was never called for joining in the investigation process but thereafter, when the order was passed by this Court on 10.02.2025 seeking explanation from the concerned police officer as to why the petitioner was not joined in the investigation process, to which now the Commissioner of Police, Ludhiana in pursuance of the order passed by this Court as aforesaid has filed reply today in the Court stating therein that the petitioner has already joined the investigation on 05.03.2025. He further submitted that the petitioner has not only joined the investigation but he has fully cooperated with the investigation process and in future also, the petitioner undertakes not only to join the investigation as and when called by the Investigating Officer but also to fully cooperate with the investigation process. He also submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of anticipatory bail.

4. On the other hand, Mr. P. S. Bhandari, AAG, Punjab while referring to the aforesaid reply filed by the Commissioner of Police, Ludhiana in the Court today submitted that the reason as to why earlier the petitioner was not joined in the investigation process despite his arrest was stayed by this Court on 02.05.2022, which is more than 2½ years ago was that many times the Investigating Officers were transferred but even otherwise also, disciplinary



action has been initiated against them. He further submitted while referring to the aforesaid reply filed in the Court today that now the petitioner has already joined the investigation and he has fully cooperated with the investigation process and he is not required for custodial interrogation.

5. Learned counsel for the complainant submitted that it is a case where big fraud has been committed by the petitioner upon the complainant, who is a lady of the age of about 35 years and he had developed physical relations with her on the pretext of marriage and thereafter, had rather made compromise with her twice but resiled from the same and in this way, it has caused acute prejudice to the complainant and therefore, the petitioner may not be granted the concession of anticipatory bail. He also submitted that since the petitioner had been threatening the complainant and the complainant has moved an application to the police, liberty may be granted to the complainant that in case she has any apprehension of threat then she may move an appropriate application before this Court or before the learned trial Court.

6. I have heard the learned counsels for the parties.

7. It is a case where the prayer in the present petition is for grant of anticipatory bail to the petitioner. The present FIR is of the year 2022 and in the present case, the arrest of the petitioner was stayed by this Court vide order dated 02.08.2022, which is more than 2½ years ago. As per the submissions made by the learned State counsel on the basis of the aforesaid reply filed by the Commissioner of Police, Ludhiana today in the Court, the petitioner has already joined the investigation and it has also been undertaken by the learned counsel for the petitioner on behalf of the petitioner that in future also in case any further investigation is required to be conducted then the petitioner will not



only join the investigation as and when called by the Investigating Officer but will also fully cooperate with the investigation process. This Court would not go into the merits of the compromise arrived at between the petitioner and the complainant in the present case but considering the aforesaid submissions made by the learned counsels for the parties especially the learned State counsel that the petitioner is not required for custodial interrogation, this Court deems it fit and proper to grant the concession of anticipatory bail to the petitioner.

8. So far as the prayer made by the learned counsel for the complainant as aforesaid that liberty may be granted to the complainant to move an appropriate application in future if it is so required is concerned, this Court is of the view that in case the complainant is apprehensive of any threat by the petitioner then she is always within her rights to move any appropriate application either to the concerned Investigating Officer or to this Court or to the learned trial Court, strictly in accordance with law.

9. Consequently, the present petition is allowed. It is directed that in case in future the petitioner is required to join the investigation process, then he shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.

(JASGURPREET SINGH PURI)
JUDGE

03.04.2025
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No