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

**CRM-M-63568-2024
Date of Decision: 11.02.2025**

Kulwinder Singh

..... Petitioner

Versus

State of Haryana and Another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Lakhan Paul Garg, Advocate for
Mr. J.S. Gill, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in FIR No.69, dated 02.03.2024, under Sections 506, 376(2)(n) IPC, registered at Police Station Civil Lines Sirsa, District Sirsa.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner and the prosecutrix were staying together in a live-in-relationship which was a consensual relationship from the year 2020 and eventually they got married to each other on 22.03.2024 and an FIR was lodged in the meantime and thereafter, a cancellation report was prepared because the marriage had taken place but later on again differences arose between them and therefore, the police did not present the cancellation

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report before learned Magistrate.

3. Learned counsel for the petitioner further submitted that the petitioner is a Soldier in the Indian Army and is posted in Jammu and Kashmir and when notice of motion was issued by this Court on 17.12.2024, interim anticipatory bail was granted to the petitioner and in pursuance of the aforesaid order, he has joined the investigation and has fully cooperated with the investigation process. He also submitted that in pursuance of the aforesaid order dated 17.12.2024, the parties were even directed to appear before Mediation and Conciliation Centre of this Court to which they appeared but the mediation failed and was not fruitful. Even thereafter, by way of an order passed by this Court on 21.01.2025, both the parties were directed to appear before the Counsellor, who is stated to be on the panel of the Counsellors appointed by the High Court, the parties appeared before the said Counsellor but no fruitful outcome could come out of the counselling done by the aforesaid Counsellor. He submitted that the petitioner being a Soldier in Indian Army is apprehending his arrest at the hands of the police and his entire career will be spoiled in case he is arrested because of the aforesaid matrimonial dispute. He further submitted that after four years of relationships between the petitioner and the prosecutrix, they got married and just because there was a matrimonial discord between the parties, the Right to Liberty of the petitioner can not be infringed and may be protected.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana, on instructions from ASI Urmila has submitted that in pursuance of the order dated 17.12.2024, the petitioner has joined investigation and has cooperated with the investigation process and is not required for custodial interrogation.

4. Mr. Lakhan Paul Garg, learned counsel appearing on behalf of

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respondent No.2/complainant has submitted that the petitioner has committed a fraud upon the complainant because even after staying in a live-in-relation for four years, he got married to the complainant only to evade the criminal proceedings against him and on very next day after the marriage took place, he again started abusing the complainant/prosecutrix and left her and therefore, the petitioner does not deserve the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner and the prosecutrix were staying together in a live-in-relationship for long period of time i.e. for four years and eventually they got married on 22.03.2024. Thereafter, a matrimonial discord took place between the parties and the present FIR was lodged. The matter was sent to the Mediation and Conciliation Centre of this Court which failed. Thereafter, the parties were directed to appear before the Counsellor, who is stated to be on the panel of the Counsellors appointed by the High Court, which also did not appear to be fruitful.

7. Learned State Counsel has specifically stated that the petitioner has already joined investigation and has cooperated with the investigation process and is not required for custodial interrogation. The petitioner is stated to be serving as a Soldier in the Indian Army and is posted in Jammu and Kashmir. The argument which has been raised by the learned counsel for the petitioner that considering the aforesaid facts and circumstances and the fact that he is a Soldier in the Indian Army and his service will be effected in case he is arrested is valid, carries weight and cannot be ignored. However, learned State Counsel has specifically stated that the petitioner is not required for custodial interrogation.

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8. In view of the above, the present petition is allowed and the order dated 17.12.2024 is hereby made absolute.

11.02.2025**(JASGURPREET SINGH PURI)***Bhumika***JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |