

207-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22634-2015

Date of Decision: 13.08.2015

Davinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.194 dated 11.12.2014 under Sections 452, 354, 506, 34 of Indian Penal Code ('IPC' for short) (Section 376 IPC added later on), registered at Police Station Chamkaur Sahib, District Rupnagar.

Notice of motion was issued and interim protection was granted.

It is undisputed on record that in compliance of the order passed by this Court, petitioner has joined the investigation. In the peculiar fact situation of the present case, it will be a debatable issue before the learned trial Court, whether the offence under Section 376 IPC has been, as a matter of fact, committed by any of the accused in the present case.

Learned counsel for the State could not deny this material fact that the prosecutrix was having undesirable relations with the petitioner for quite some long time i.e. about two years.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties,

instant petition is allowed. Order dated 15.07.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

13.08.2015
vishnu