

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

CRM-M-43261-2014 (O&M)

Date of decision : 16.02.2015

Balwinder Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Batth, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Karamjit Kaur.

Mr. A.S. Sandhu, Advocate for the complainant.

JITENDRA CHAUHAN, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of pre-arrest bail to the petitioner, in case FIR No.83 dated 20.10.2014, registered under Sections 363, 366-A, 376 of the Indian Penal Code, (for short, 'the IPC') (Sections 363, 366-A, 376 IPC deleted and Sections 494, 498-A IPC added subsequently) at Police Station City Mansa.

It is contended that there is no proof of marriage between the prosecutrix and the petitioner. The allegations of rape have not been found true during the police investigation, hence, Sections 363,

366-A and 376 IPC have been deleted. She herself abandoned the child.

The learned counsel for the complainant states that there are specific and serious allegations against the petitioner.

On the other hand, the learned State counsel, on instructions, submits that in pursuance of the orders passed by this Court, the petitioner has joined the investigation and is not required for custodial interrogation.

Heard.

In view of the above, without adverting to the merits of the case, the instant petition is allowed the the order dated 18.12.2014, passed by this Court, is made absolute.

16.02.2015
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(JITENDRA CHAUHAN)
JUDGE