

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-35306 of 2015

Date of decision : 04.05.2016

Kaka Shah @ Gurmukh Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. G.S. Simble, Advocate for the petitioner
Mr. V.P.S. Sidhu, AAG Punjab
Mr. R.P.Singh, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 122 dated 11.08.2015 registered at Police Station Civil Lines, Batala, District Gurdaspur under Sections 341/354/354-A/354-B/354-D/295-A/506/379/323/34 IPC (Sections 376/328/ 120-B IPC added later on) and Section 7/8 of POCSO Act.

The petitioner has joined the investigation.

Heard. Learned counsel for the petitioner contends that in the first statement made by the victim or by the complainant there was no allegation against the petitioner and after 4 months she had levelled allegations of rape and that the petitioner had taken the photographs. He further contends that they have placed on record the photographs which are also available with the police that there was an affair with Maninder Singh, who is in custody.

The victim had named the petitioner in the supplementary statement that was given 4 months after the FIR. No allegations of rape were levelled against the petitioner.

Since the petitioner has joined the investigation, the petition is allowed and interim order dated 14.10.2015 is hereby made absolute subject to the condition that the petitioner will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation and will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C and will not contact the prosecutrix and will not temper with the evidence.

(ANITA CHAUDHARY)
JUDGE

May 04, 2016