

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

CRM-M -12418 of 2017 (O&M)
Date of decision: 21.08.2017

Akash

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Yogesh Goel, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by ASI Rachpal Singh.

Mr. Yagyadeep, Advocate for
Mr. Mandeep Kaushik, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.151 dated 05.10.2016, registered under Sections 366, 417, 376 and 120-B of IPC, at Police Station Division No.6 (Industrial Area), District Ludhiana.

On 08.05.2017, this Court had passed the following order:-

“Counsel for the petitioner inter alia contends that the petitioner earlier filed CRM No. M- 45769 of 2016 for grant of pre arrest bail in FIR dated 5.10.2016 for offence under Sections 366, 417, 120-B of the Indian Penal Code (in short “IPC”) registered at Police Station, Division No. 6 (Industrial Area), District Ludhiana and the petitioner was allowed interim bail by this Court vide order dated

22.12.2016 and in pursuance thereof, the petitioner has already joined investigation. It is further submitted that later, offence under Section 376 IPC has been added and for that reason the petitioner has filed the instant petition for grant of pre arrest bail for the aforesaid offences as well as under Section 376 IPC.

Counsel for the petitioner has submitted that the petitioner and the complainant are living in the neighbourhood. The complainant aged about 30 years is a married women having two children. Sister of the complainant was engaged with the petitioner as both the families are known to each other very well. The complainant developed intimacy with the petitioner which came to notice of her husband and for that reason the complainant sought help of the petitioner by forcing him that otherwise she will commit suicide. It is further submitted that conversation between the prosecutrix and the petitioner recorded in a mobile phone (Annexure P-2), detailed in Annexure P-1 and the photographs (Annexure P-3) would substantiate plea of the petitioner that there was love affair between the two.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Chandan Singh Rana, Advocate has caused appearance on behalf of respondent No. 2/complainant.

Counsel for the State of Punjab is directed to seek necessary verification of the conversation recorded in the compact disk.

Counsel for the petitioner would state that the petitioner is in possession of another compact disk having the same conversation and the same would be produced before the investigating officer, if so directed by this Court.

Adjourned to 1.8.2017.

In the meanwhile, the petitioner is directed to join investigation within a period of 10 days and produce the recorded version before the investigating officer for verification. On his appearance before the investigating officer, he shall be released on interim bail subject to the following conditions:-

(i)He shall join the investigation as and when required by the Investigating Officer.

(ii)He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and

(iii)He shall not leave the limits of this country without prior permission of the Court.”

It is contended that in pursuance of the order dated 08.05.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 08.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

21.08.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No