

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

CRM-29487-2017 in/and
CRM-M-32586-2016 (O&M)
Date of decision: 14.9.2017

Saukat Ali @ Shaukat Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.AK Garg, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab
assisted by

Mr.Dheeraj Mahajan, Advocate for the complainant

JITENDRA CHAUHAN, J.

CRM-M-29487-2017

The present application is for placing on record affidavit of complainant Veena Sharma and medico legal report as Annexures R-1 and R-2.

For the reasons mentioned in the application, the same is allowed. Annexures R-1 and R2 are taken on record subject to all just exceptions.

CRM-M-32586-2016

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of bail to the petitioner in

case First Information Report No.171 dated 26.8.2016 registered under Sections 376 and 506 of the Indian Penal Code at Police Station Kapurthala City, District Kapurthala.

On 29.9.2016, Coordinate Bench had passed the following order:-

“Learned State counsel on instruction from investigation officer has informed that as per inquiry report (Annexure P-5) no allegation under Section 376 IPC has been found against the petitioner.

Learned counsel for the complainant seeks time to place on record certain documents.

Adjourned to 02.12.2016.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C:-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;
- ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as

to dissuade them from disclosing such facts to the Court or to any police officer;

iii. a condition that the person shall not leave India without the previous permission of the Court;

iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail was granted under that section.”

Learned counsel for the petitioner submits that the petitioner in compliance of the order dated 29.9.2016 has joined the investigation and nothing remains to be recovered from him.

Learned State counsel admits that the petitioner has joined the investigation. However, he submits that the petitioner is yet to be medico legally examined whether he is fit to perform sexual intercourse or otherwise.

On the other hand, learned counsel for the complainant opposes the prayer of the petitioner.

Heard.

Considering the fact that the petitioner has repeatedly joined the investigation and nothing remains to be recovered from him, without commenting on the merits of the case, the interim bail granted to the petitioner by this Court vide order dated 29.9.2016, is made absolute, subject to her furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, it is made clear that the petitioner shall cooperate with the investigating agency to get himself medico legally examined, if need be.

14.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No