

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

CRM-M-40186-2017 (O&M)

Date of decision : 27.11.2017

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Aulakh, Advocate for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by ASI Balwinder Singh.

Mr. I.S. Dhaliwal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.164 dated 05.10.2017, registered under Section 376 of the Indian Penal Code, at P.S. City Malaut, Distt. Sri Muktsar Sahib.

Heard.

On 27.10.2017, the following order was passed:-

“Learned counsel for the petitioner contends that the offence under Section 376 IPC is not made out in this case as the complainant was a consenting party and in fact there was a love affair between the accused and the complainant. He further submits that the complaint resulting in the present FIR has been lodged only to extract money, which is apparent from the fact that the complainant has accepted a sum of Rs.2.2 lacs from the accused in compromise proceedings, which took place after a complaint was made to the police.

Notice of motion for 27.11.2017.

In the meantime, the petitioner shall join investigation on 3.11.2017 at 10:00 A.M. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned subject to his compliance of conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, 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 27.10.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

27.11.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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