

219.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45995-2018

Date of decision: 26.08.2019.

GURMEET SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.24 dated 10.02.2018 registered under Sections 376/34 of IPC at Police Station Sadar Fazilka, District Fazilka.

On 17.10.2018, this Court passed the following order:-

“Learned counsel for the petitioner herein would contend that the allegations of rape as set out in the FIR are patently false. In fact, they were in relationship and when it was found out, the said FIR has been registered. Learned counsel for the petitioner relies upon the number of call details between the two parties, which would indicate that they were in relationship.

Notice of motion for 18.01.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating

Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner states that pursuant to the order dated 17.10.2018 passed by this Court, petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Gurmail Singh, states that though the petitioner has joined the investigation, but during the pendency of present petition, the DNA report has been received and it has been found inconclusive.

I have heard learned counsel for the parties.

In view of above, since the petitioner has joined the investigation, the present petition is allowed and the interim bail granted to the petitioner vide order dated 17.10.2018 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case, as this order is confined only to the present bail petition, and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

26.08.2019
sanjeev

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