

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

CRM-M-11199-2020

Date of Decision:17.09.2020

Raja Singh @ Raman

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. S.K.Verma, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 14.08.2020, the following order had been passed:

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, upon FIR no.0196, dated 08.07.2019, having been registered at Police Station Bhawanigarh, District Sangrur, alleging therein the commission of offences punishable under Sections 346, 376, 511 of the IPC read with Section 120-B thereof.

Learned counsel for the petitioner submits that, firstly, the petitioner has not been named even by the prosecutrix as one of those who actually had committed any rape but only one of those who accompanied the main accused, Satvir Singh, and even the photographs annexed as Annexure P-3 with the petition do not suggest any force exerted on the prosecutrix, as would be in fact quite obvious from the photographs.

Upon query to the learned State counsel as regards the age of the prosecutrix, he submits, on instructions

from Sub-Inspector Amrik Singh, that she was 19 years old even at the time of the occurrence.

Upon further query, he submits (again on instructions) that the medical report qua the examination of the prosecutrix also does not show any spermatazoa detected, or any penetration having taken place.

Keeping in view the above circumstances, let notice of motion be issued to the respondent, returnable on 17.09.2020.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Today learned State counsel, on instructions, submits that pursuant to the order dated 14.08.2020, the petitioner has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition is allowed, with the order dated 14.08.2020, admitting the petitioner to interim bail, made absolute, on the same terms and conditions.

September 17, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO