

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

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CRM-M-14031-2021

Date of decision: 10.11.2021

Satnam Singh @ Satpal Singh

.....Petitioner

vs.

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: - Mr. Fatehjeet Singh, Advocate, for the petitioner.

.....

Amol Rattan Singh, J. (ORAL)

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.23 dated 19.03.2020, having been registered at Police Station Sadar, Jalalabad, District Fazilka, Punjab (Annexure P-1), alleging therein the commission of an offence punishable under Section 376-D IPC.

In view of the fact that the complainant in the FIR is shown to have executed an affidavit (copy Annexure P-2), stating to the effect that in fact she (complainant) and the petitioner were earlier in a live-in-relationship but due to some quarrel between them, she returned to her husband and thereafter filed the complaint in the police station, i.e. the FIR in question, the arrest of the petitioner was stayed by this Court (coordinate Bench) on 26.03.2021.

Today, learned State counsel, on instructions from ASI Paramjeet Singh, submits that in fact though the petitioner was not asked to join investigation, nevertheless he joined in the investigation and that he is cooperating.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, she would be always at liberty to avail of her remedy as per law.

(AMOL RATTAN SINGH)
JUDGE

10.11.2021

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no