

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

201

**CRM-M-11476-2019
Decided on : 01.12.2021**

Randhir Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. IPS Kohli, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Satwant Singh.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 126, dated 10.09.2015, under Sections 376, 506, 120-B of IPC, registered at Police Station Sadar Kharar, District SAS Nagar (Mohali) (Annexure P-1).

Learned State counsel submits that in pursuance to the following order dated 05.08.2021, of the coordinate Bench, the petitioner has joined investigation:-

“Learned counsel for the petitioner herein would contend that he has been falsely implicated in the matter as would be evident from the fact that the prosecutrix had entered into a compromise with him and thereafter, even a cancellation report was prepared on 12.11.2016. However, as the prosecutrix backed out, the cancellation report was never filed. It is argued that the prosecutrix and her companion one Harjeet Singh have formed a gang and have been implicated in several criminal cases as would be evident from the fact that the complainant and her companion had approached this

Court for grant of anticipatory bail in CRM-M-35328-2017 and CRM-M-4091-2018 respectively. The petitioner has been implicated in the current FIR only on account of the fact that he is a witness in one of the cases that has been filed against Harjeet Singh.

Learned counsel would contend that the matter has already been investigated and a cancellation report was prepared though not filed and, therefore, his custodial interrogation would not be required. It is also submitted that there is no medical on record to substantiate the plea of an offence of rape having been committed by him.”

Learned State counsel on instructions from ASI Satwant Singh, does not dispute the factum of the petitioner having joined investigation. He on instructions further submits that further investigation, much less, custodial interrogation of the petitioner is not required by the investigating agency.

In view of the above, the petition is allowed and interim order dated 05th August, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 01, 2021

J.Ram

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