

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

214

CRM-M-26555-2021

Decided on : 15.12.2021

Kamal Garg

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sumit Puri, Advocate,
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Barma 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. 190, dated 09.05.2021, lodged under Sections 376(2)(n), 313, 120-B of IPC, registered at Police Station Sohana, District Mohali (Annexure P-1).

Learned counsel for the petitioner submits that a perusal of the FIR in question leaves no manner of doubt that the prosecutrix, aged about 30 years, all throughout had been a consenting party. Learned counsel further submits that there was no Medico Legal Report to substantiate the allegations of the prosecutrix having conceived, as a result of the physical relations established by the petitioner with her and thereafter having been pressurized by the petitioner to abort her fetus. Further submits that on account of the relations between the petitioner and the prosecutrix having turned sour, the prosecutrix had levelled false, fabricated and exaggerated allegations against the petitioner.

Learned counsel for the petitioner further submits that in compliance of the order dated 26th August, 2021, of this Court, the petitioner has joined investigation and cooperated with the investigation agency.

Learned State counsel on instructions from SI Barma Singh, does not dispute the factum of petitioner having joined investigation. Learned State counsel submits that so far as the Medico Legal Report is concerned, the complainant has not produced any record, much less, medical to substantiate the allegations of rape and alleged abortion. He, on instructions, further submits that the petitioner is not required for investigation, much less, custodial interrogation.

In view of the above, the petition is allowed and interim order dated 26th August, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 15, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*