

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

213

**CRM-M-27496-2021
Date of decision: 14.09.2021**

Nimma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asstt. A.G., Punjab
for respondent No.1-State.

None for respondent No.2.

(Through Video Conferencing)

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail to the petitioner in case FIR No.34, dated 15.04.2021, under Sections 376-D and 120-B of the Indian Penal Code, 1860, registered at Police Station Sekhwan, District Batala.

Learned counsel for the petitioner states that pursuant to order dated 26.08.2021, passed by this Court, the petitioner has joined the investigation.

Per contra, learned State counsel has vehemently opposed grant of anticipatory bail to the petitioner on the grounds that the petitioner was not only specifically named but there was a specific attribution qua him as well, in the FIR in question, wherein the prosecutrix had levelled allegations of rape against him. Learned State

counsel has further apprised this Court that in her statement recorded under Section 164 of the Cr.P.C., the prosecutrix had yet again reiterated allegations of rape against all the accused including the petitioner. He has also apprised the Court that similarly situated co-accused Amarjit Singh is on the run whereas the anticipatory bails of the other co-accused already stand dismissed by this Court. He has on instructions prayed that the instant petition be dismissed as the custodial interrogation of the petitioner is required by the investigating agency.

Heard.

In the wake of the instructions received by the learned State counsel from the investigating agency and the fact that there are allegations levelled against the petitioner of having committed rape upon the prosecutrix in her statement recorded under Section 164 of the Cr.P.C. as well, this Court is not inclined to extend the concession of anticipatory bail.

Accordingly, the instant petition is dismissed and interim anticipatory bail order dated 26.08.2021 stands vacated.

14.09.2021

(MANJARI NEHRU KAUL)

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JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No