

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30996-2020 (O&M)

Date of Decision:- 17.3.2021

Captain Pulkit Khera

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman B. Garg, Advocate and
Ms. Gitanjali Chhabra, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Dharampal.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.144, dated 25.8.2020, Police Station Division No.1, Pathankot, under Sections 376 and 420 IPC.
2. At the time of issuance of notice of motion the following order was passed on 5.10.2020:

“The learned counsel for the petitioner contends that the petitioner is a ‘Captain’ in Army and that the complainant in the present case is a matured educated lady aged about 32 years who is working as a Lecturer and as per the FIR itself the complainant and petitioner were friends and there had been physical relationship amongst them on several occasions. It is contended that the FIR has apparently been lodged when the relationship went sour subsequently.

Notice of motion for 4.2.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. The learned State counsel, upon instructions from ASI Dharampal, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. In view of the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation and while also noticing that the question of the alleged rape would be debatable in view of the relationship which the parties had amongst themselves, the petition is accepted and the interim directions issued by this Court vide order dated 5.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating

Officer and shall also abide by the conditions as provided under
Section 438 (2) Cr.P.C.

March 17, 2021

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(GURVINDER SINGH GILL)
JUDGE

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