

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.31152 of 2020 (O&M)

Date of Decision: January 06, 2021

Gaurav Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akhilesh Vyas, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Karanjit Singh, Advocate,
for the applicant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.135 dated 27.08.2020, under Sections 376 and 506 IPC, 1860, registered at Police Station, Anandpur Sahib, District Rupnagar. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 06.10.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the allegations in the FIR itself reveal that the complainant was voluntarily visiting the house of the petitioner, despite refusing to marry him. According to him, the allegations do not suggest use of any force for commission of alleged offence. It is further

pointed out that the alleged occurrence took place in July, 2019, whereas the FIR has been lodged after a long delay to falsely implicate the petitioner.

Notice of motion for 06.01.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Shamsheer Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 06.10.2020 is made absolute.

January 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No