

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

201

**CRM-M No.34491 of 2019
Date of Decision:17.03.2021**

JASVEER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms.Alisha Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.72 dated 08.04.2019 under Sections 376/ 450/323 IPC registered at Police Station Sadar Fazilka, District Fazilka.

Interim bail was granted to the petitioner on 23.01.2020, thereby directing him to join the investigation within a period of one week. Interim bail was granted subject to his joining investigation and furnishing personal bonds and surety bonds to the satisfaction of the arresting officer.

Petitioner could not join the investigation for the reasons mentioned in the application. Prayer for extension of time was rejected by the Court on 28.08.2020. Now the petitioner seeks to argue the case on merits.

The alleged occurrence took place on 30.03.2019 and the FIR came to be registered on 08.04.2019 for the offences under Sections 376/ 450/ 323 IPC at Police Station Sadar Fazilka District Fazilka.

Learned counsel for the petitioner submits that the complainant was hospitalized on 31.03.2019 and her medical was conducted only on 01.04.2019, but still no FIR was lodged despite the case being medico legal case. Issuance of doctri ruqa or otherwise would remain debatable in view of the fact that similar allegations were raised against the complainant party as well in respect of the occurrence dated 30.03.2019. Petitioner also claims himself to be victim and FIR No. 73 dated 08.04.2019 under Sections 376/ 341/332/323 IPC came to be registered at Police Station Sadar Fazilka at the instance of wife of the petitioner as well.

Learned State counsel, on instructions from ASI Balbir Singh, however, opposed the bail on the ground that in view of serious allegations, petitioner is not entitled for anticipatory bail. Learned State counsel, on instructions, informs

that the petitioner has not been declared proclaimed offender so far.

It appears that both the parties are alleging the alleged incident dated 30.03.2019 in their own perception. Both the FIRs have come into existence on 08.04.2019 and in both the FIRs, issuance of medical ruqa would remain debatable. In FIR No.72 dated 08.04.2019, complainant was hospitalized on 31.03.2019, but the FIR was not registered either on 31.03.2019 or soon thereafter. It was registered only on 08.04.2019. The allegations at the instance of wife of the petitioner are also on the same footing for which, FIR No.73 dated 08.04.2019 was registered under Sections 376/ 341/332/323 IPC at Police Station Sadar Fazilka.

In view of aforesaid facts on record, I deem it appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 21.03.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

March 17, 2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No