

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44450 of 2020(O&M)
Date of Decision: 19.02.2021

Happy Singh @ Happy
Vs
State of Punjab

.....Petitioner
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aman Mittal, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl, AG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.191 dated 26.10.2020 registered under Sections 376, 506, 120-B IPC at Police Station Kotwali Bathinda.

Notice of motion was issued on 31.12.2020 by passing the following order:-

“Through video conference

Learned counsel for the petitioner has submitted that in the present case, the FIR lodged against the petitioner is totally false. He has submitted that it is a case where the petitioner and the prosecutrix were willing to marry each other and were having cordial relations with each other and it was only because of refusal by the mother of the petitioner that the marriage could

not be solemnised and the present FIR has been lodged. He has further submitted that he is still ready and willing to marry with the prosecutrix but due to above circumstances the same could not be done and the prosecutrix has been forced to lodge the present FIR. He has further submitted that there is no MLR because the alleged occurrence which has been stated in the FIR is dated 27.1.2020 and the present FIR has been lodged on 26.10.2020 after a lapse of 9 months. He has further submitted that though in the rape cases the delay is not of much importance but keeping in view the facts and circumstances of the present case, the delay would certainly be material in the present case. He has further submitted that it is not a case where any recovery is to be effected from the petitioner and the present FIR has been lodged only to blackmail the petitioner.

Notice of motion.

On asking of the Court, Mr.Harpreet Singh Multani, AAG, Punjab, accepts notice on behalf of State and prays for time to seek instructions.

List on 19.2.2021.

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

December 31, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE"

Learned State counsel on instructions from Inspector Jaswinder Kaur submits that the petitioner has joined the investigation and is not required for further investigation of the case.

In view of aforesaid factual position, interim order dated 31.12.2020 is made absolute. However, petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

19.02.2021
Prince

(RAJ MOHAN SINGH)
JUDGE

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