

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

CRM-M-1553-2021

Date of Decision: 22.02.2022

SURJIT SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. A.K.Lamdharia, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab

VIVEK PURI, J.(ORAL)

On 04.03.2021, the following order was passed:-

“The matter has been taken up through video conferencing.

Status report filed by the State is ordered to be taken on record.

For arguments, adjourned to 06.05.2021.

Seeking ad-interim anticipatory bail, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; there is no other criminal case in which the petitioner is involved; in the FIR there is no allegation that the petitioner raped the prosecutrix; the only allegation of rape is against co-accused Jagdish Singh; the petitioner was exonerated in the first enquiry conducted by the DSP; though no allegation of rape was made by the prosecutrix against the petitioner in the FIR but later as an after thought and for malafide reasons in her statement made before the Magistrate under Section 164 Cr.P.C. she levelled such allegations against the petitioner also; the shifting stands of the prosecutrix cast a serious doubt on her credibility and that the petitioner is ready and willing to join the investigation as and when called by the Investigating Agency.

After considering the above submissions, it is directed that till the adjourned date, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.66 dated 27.04.2019, registered under Sections 376-D and 34 IPC at Police Station Guruharsahai, District Ferozepur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation, there is no allegation of commission of rape against the petitioner, allegation of commission of rape was against co-accused Jagdish Singh and furthermore, the petitioner was exonerated in enquiry conducted by Gazetted Officer of police.

Learned State counsel, on instructions from ASI Gurmeet Singh, has not assailed the aforesaid factual aspect(s) of the matter and has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

Keeping in view the above, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 04.03.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

22.02.2022
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(VIVEK PURI)
JUDGE

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