

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-1678 of 2022
Date of decision:09.08.2022

Gopi Singh @ Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vijay Kumar, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

On 17.01.2022, this Court passed the following order:-

“Heard through video conferencing.

*Instant petition has been filed under Section 438 Cr.P.C
seeking grant of anticipatory bail in case FIR No.100 dated
14.12.2021 registered under Section 376 of Indian Penal Code,
1860 at Police Station Bhindi Saidan, District Amritsar
(Annexure P-2).*

*Counsel for the petitioner submits that a scuffle took
place between father of the petitioner and father of the*

prosecutrix on 24.08.2021 and an FIR was registered on 19.11.2021 (Annexure P-1) by the father of the prosecutrix. He urges that though the incident of rape is alleged to have taken place on 11.08.2021 but there is no mention of the same in the FIR (Annexure P-1). Still further, he contends that the FIR (Annexure P-2) levelling allegation of rape has been registered after a delay of 126 days, which has not been explained by the prosecutrix either in the FIR or in the statement recorded under Section 164 Cr.P.C, which shows that the allegations are absolutely false.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

List on 15.03.2022.

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

Short reply by way of an affidavit of Deputy Superintendent of Police, Attari, Amritsar Rural has been filed on behalf of respondent-State, which is taken on record.

By referring to para 5 of the reply, State counsel submits that blood sample of the petitioner has been taken for DNA analysis and the report is awaited. Upon instructions from ASI Tarsem Singh, he submits that petitioner has joined investigation and is no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 17.01.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

August 09, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>