

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

123-2

CRM-M-3109-2020 (O & M)

Date of Decision: 28.07.2022

ARNISH KUMAR PATHAK

...PETITIONER

VERSUS

STATE OF UT CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rohit Sud, Advocate for the petitioner.

Mr. Abhinav Gupta, Addl. P.P., U.T., Chandigarh.

Mr. Aman Dhir, Legal Aid Counsel for the complainant.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.77 dated 25.03.2019 under Sections 376 and 377 of IPC, 1860, registered at Police Station 36, U.T., Chandigarh

FIR, Annexure P-1, has been registered on the allegation that the complainant came in contact with the petitioner some years before the registration of the FIR and he developed physical relations with her on the pretext of marriage. Allegations have also been levelled that the petitioner had un-natural sex with the complainant.

Counsel for the petitioner submits that despite serious accusation, complaint was submitted by the prosecutrix in the year 2019, after unexplained delay of two years and she was in a consensual relationship with the petitioner. He submits that the petitioner was granted interim bail by this Court vide order dated 03.03.2020 and he has joined the investigation.

Upon instructions from SI Rajesh Kumar, State counsel has affirmed this fact. He further submits that *challan* has been presented, charge has been framed and the prosecution evidence is underway.

In view of the above, without commenting upon the merits, the present petition is allowed and the order dated 03.03.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

28.07.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No