

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-6656-2022

Date of decision:- 20.10.2022

Jaspreet Singh @ Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- ASI, Jeewan Lal.

SUVIR SEHGAL, J. (Oral)

Lawyers are abstaining from work.

On 28.04.2022, this Court passed the following order:-

“On 18.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.112 dated 13.07.2021, registered for offences under Sections 365, 376 and 376-D of the Indian Penal Code, 1860, at Police Station Bullowal, District Hoshiarpur (Punjab) (Annexure P-1).

Counsel for the petitioner contends that the allegation levelled is that co-accused, Palwinder Kumar enticed the prosecutrix and forcibly brought her in a car to Chandigarh after performing marriage with her and obtained her signatures on blank papers. She was later taken to a hotel, where she was offered a cold drink laced with some intoxicant and after she became unconscious, co-accused, Palwinder Kumar and both his friends sexually assaulted her. By relying upon the Marriage Certificate dated 07.07.2021 (Annexure P-4), counsel contends that the prosecutrix married the co-accused, Palwinder Kumar and a joint petition bearing CRWP No.6559 of 2021 (Annexure P-5) for protection of life and liberty was filed before this Court, which is pending for 23.02.2022. He contends that though the petitioner has been named by the prosecutrix in her statement under Section 164, Cr.P.C., but an analysis of her statement shows that the prosecutrix was unconscious at the time when she

was allegedly sexually exploited.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. He seeks and is granted time to file status report.

List on 28.04.2022.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date of hearing.”

Status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Rural, District Hoshiarpur has been filed on behalf of State-respondent, which is taken on record.

By making a reference to paras 7 and 8 of the affidavit filed by the State counsel, counsel for the petitioner contends that there is no material with the prosecution to come to the conclusion that the petitioner has sexually assaulted the prosecutrix.

List on 20.10.2022.

The petitioner shall appear before the Investigating Officer at Police Station Bullowal, District Hoshiarpur (Punjab) on 12.05.2022 at 10:00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. 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.”

ASI, Jeewan Lal, who is the Investigating Officer of the case, submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above, but without commenting upon the allegations levelled in the FIR, present petition is allowed.

Order dated 28.04.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

20.10.2022
Kamal

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