

RUPINDERJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. HPS Ishar, Advocate for respondent No.2/complainant.

VIVEK PURI, J. (ORAL)

On 22.03.2022, the following order was passed:-

"Petitioner is seeking anticipatory bail in case bearing FIR No.38 dated 28.01.2020 under Sections 376, 494, 495, 498-A, 420, 34 IPC, registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner states that the marriage of the petitioner was solemnized with the complainant on 02.12.2014. The version of the complainant is to the effect that the petitioner had wrongly projected that he was a divorcee whereas, the divorce proceedings were still pending.

It has been contended that the fact of pendency of divorce proceedings were clarified to the prosecutrix. Furthermore, the complainant had already instituted a petition under Section 125 Cr.P.C. for grant of maintenance. Besides, she has also instituted proceedings under Protection of Women from Domestic Violence Act and consequently, she could not raise the allegations with regard to commission of offence under Section 376 IPC.

Precisely, on the basis of the similar submissions in terms of the order dated February 25, 2020, the arrest of the petitioner was stayed.

Learned State counsel has pointed out that the petitioner is yet to join the investigation as his arrest was stayed.

Adjourned to 23.05.2022.

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

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Prabhjit Singh, learned State counsel also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for respondent No.2/complainant has opposed the bail application on the score that there are serious allegations levelled against the petitioner.

It may be mentioned here that the detailed reasons have been mentioned in the aforesaid order when interim bail was granted. The petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 22.03.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

However, this order shall also enure with regard to the offences under Sections 376(2)(n)/493/496/467/468/471/120-B IPC which have been added later on.

28.09.2022
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(VIVEK PURI)
JUDGE

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