

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(206)

CRM-M-8470-2020

Date of decision: 25.03.2022

Gurmit Singh @ Pappu Baba

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajeev Kumar Sharma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.167 dated 23.10.2019, registered for offences under Sections 376, 384, 420 and 452 of the Indian Penal Code, 1860, at Police Station Sadar Nakodar, District Jalandhar (Annexure P-1).

While granting interim bail to the petitioner, this Court passed the following order on 03.12.2021:-

“While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the petitioner submits that the allegations of rape were not attributed to him and the only role attributed was that he forcibly obtained the signatures of the complainant on blank papers. It has further been submitted that the main accused,

who alleged committed rape already stands acquitted by the trial Court vide order dated 06.08.2021 by the court of Addl. Sessions Judge, Jalandhar. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

Per contra learned State counsel on instructions from SI Kewal Singh, has not been able to controvert the submissions made by the counsel opposite with respect to the role attributed to the petitioner in the FIR in question as well as the factum of the main accused Maninderjeet Singh, having been acquitted by the trial Court.

On a query put to the learned State counsel as to whether the petitioner was ever declared proclaimed offender, she has replied in the negative. She has submitted that since an inquiry was pending qua the petitioner, challan could not be presented against him earlier and thus, he did not face trial along with the main accused.

Adjourned to 25.03.2022.

Meanwhile, petitioner is directed to join investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Upon instructions from ASI, Narinder Singh, State counsel submits that the petitioner has joined the investigation and is no longer required for custodial interrogation. He has further instructions to state that the main accused has been acquitted by the Trial Court.

In view of above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 03.12.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

25.03.2022

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No