

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12531-2022
Date of Decision: 20.05.2022

TEJINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajvir Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.

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VIVEK PURI, J. (ORAL)

Short Reply by way of affidavit of Ajay Singh, Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar has been placed on record.

On 25.03.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 08 dated 21.01.2022 under Sections 376, 506 IPC and Section 6 of Protection of Children from Sexual Offences Act registered at Police Station Sri Anandpur Sahib District Rupnagar.

Learned counsel for the petitioner states that the petitioner is employed in Punjab Police. The FIR has been lodged after a period of two years on the basis of the complaint which was submitted as back as on 02.09.2020.

Precisely, the allegations in the FIR are to the effect that the petitioner had been committing rape upon her on the false pretext of marriage. Even at the earlier instance, the prosecutrix had submitted similar applications to the Police authorities, the enquiry in the matter was conducted. The Senior Superintendent of Police, District Rupnagar had recommended that no action is required to be taken on the

application as no truth was found in the complaint. The letter in this regard is Annexure P-3. Even subsequently, the prosecutrix has submitted another application, Annexure P-4 supported with the affidavit, Annexure P-5 requesting for the closure of the case as the application was submitted on the basis of some misunderstanding.

It has been further stated that in the statement under Section 164 Cr.P.C., the prosecutrix has also not levelled any allegations against the petitioner.

Notice of motion.

Mr. Tanvir Joshi, AAG Punjab accepts notice on behalf of the State and seeks time to file reply in the matter.

Adjourned to 20.05.2022.

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.”

It has been stated by learned counsel for the petitioner that petitioner has joined the investigation in pursuance of the interim directions issued by this Court and as per his instructions, the police authorities are also contemplating to present the cancellation report. Furthermore, the age of the prosecutrix is at present 23 years.

Learned State counsel, who is assisted by SI Swati Diman, has not disputed the aforesaid factual aspect of the case and has further stated that as the petitioner has joined the investigation his custodial interrogation is not required.

Considering the above, the petition is allowed and the interim

bail granted by this Court vide order dated 25.03.2022 is made absolute.

The petition stands allowed.

20.05.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No