

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CRM-M-14756-2022

Date of decision:- 21.09.2022

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kamal Narula, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

...

SUVIR SEHGAL, J. (Oral)

On 07.04.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 27 dated 12.02.2022, registered for offences under Sections 376 and 417 of the Indian Penal Code, 1860, at Police Station Sultanpur Lodhi, District Kapurthala, Annexure P-1.

Counsel for the petitioner submits that the prosecutrix is a married lady and has two children from the wedlock. Due to estrangement with her husband, she was staying separately and came in contact with the petitioner. By referring to the allegations levelled in the FIR, he urges that she has stated that she started living with the petitioner at R.C.F. Chandigarh Colony from 15.02.2021. It is his argument that the relationship between them was consensual and a dispute arose after the prosecutrix became pregnant in December, 2021 and the petitioner insisted that she should get the fetus aborted.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice on behalf of respondent-State.

List on 21.09.2022.

Meanwhile, the petitioner shall join the investigation and would come present 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. ”

Upon instructions received from Jarnail Singh, State counsel 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 07.04.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

21.09.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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