

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16677-2022 (O&M)

Date of Decision: 14.09.2022

GURSEWAK SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajiv Kumar, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.

* * * *

VIVEK PURI, J. (ORAL)

On 05.07.2022 following order was passed in the main case :

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No. 87 dated 27.9.2019, under Section 376 IPC and under Section 66(A) of Information Technology Act, 2000 registered at Police Station Khukhi Khera, District Fazilka.

Briefly, the FIR has been registered on the allegations that the petitioner had committed rape upon the prosecutrix and had also been threatening to upload obscene video on social network.

Learned counsel for the petitioner contends that the prosecutrix after attaining the age of majority has solemnized marriage with the petitioner and a child has also been born from the wedlock. The photographs depicting the marriage ceremony, marriage certificate and photograph of the petitioner along with the prosecutrix and their child have been placed on record. Even, the prosecutrix had sworn an affidavit as Annexure P-5 to indicate that she has solemnized marriage with the petitioner.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 14.09.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joined the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel has not assailed the aforesaid factual aspect and states that the petitioner has joined the investigation and his custodial interrogation is not required.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 05.07.2022 is made absolute.

The petition stands allowed.

14.09.2022

Janki

(VIVEK PURI)
JUDGE

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