

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-17301 of 2022
Date of decision:-15.09.2022

Johan Singh

...Petitioner

Versus

State of U.T.Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jaswinder Singh Rana, Advocate for
Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr.Yuvraj Singh Rathore, Advocate for
Mr. Y.S.Rathore, Addl.P.P., U.T.Chandigarh.

SUVIR SEHGAL, J. (Oral)

On 27.04.2022, 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. 0052 dated 29.03.2022, registered for offence under Section 376 of the Indian Penal Code, 1860, at Police Station Manimajra, U.T., Chandigarh.

Counsel for the petitioner contends that the complainant is the ex-wife of the petitioner. He submits that marriage between the parties took place on 02.07.2018, but due to temperamental differences, the marriage did not last long and was dissolved by judgment and decree passed on 29.05.2020, Annexure P-5, under Section 13-B of the Hindu Marriage Act,

1955. Counsel contends that as per the allegations levelled in the FIR, even after divorce the petitioner and the complainant were staying together and the complainant has accompanied the petitioner to a hotel “10 times till now after divorce”. It is his argument that FIR with allegation of rape has been registered to mar future marital prospects of the petitioner. Counsel submits that the petitioner is ready to join the investigation and cooperate with the investigating agency.

Notice of motion for 15.09.2022.

On asking of the Court, Mr. Yashwant Singh Rathore, A.P.P., U.T., Chandigarh accepts notice on behalf of respondent-U.T.

The petitioner shall appear before the Investigating Officer at Police Station Manimajra, U.T., Chandigarh on 09.05.2022 at 10:00 A.M. and join the investigation and would appear 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 SI Jaswinder, learned counsel appearing on behalf of Additional Public Prosecutor, U.T.Chandigarh, submits that 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 27.04.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438(2) Cr.P.C.

September 15, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No