

**222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-18406-2022
Date of Decision: 27.07.2022**

GURDEEP SINGH @ HAPPY ... PETITIONER

VS.

STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

On 02.05.2022, following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 066 dated 22.03.2022, registered under Sections 354-A/506/34 IPC, 1860 and later on Section 376 IPC added at Police Station Model Town, Hoshiarpur.

Briefly, the FIR has been registered on the basis of the statement of the victim alleging that on 01.07.2003, the petitioner was driving the car bearing registration No. PB-01C-4816 and Sagar, co-accused was accompanying him. The victim was made to sit in the car and Sagar, co-accused outraged her modesty.

Learned counsel for the petitioner contends that there is no allegation of outraging the modesty attributed to the petitioner in the FIR. Furthermore, the offence under Section 376 IPC has been added on the basis of the statement of the victim recorded under Section 164 Cr.P.C. In the said statement, there are allegations against Sagar, co-accused that rape was committed on one or two earlier occasions. There is no allegation of rape attributed against the petitioner.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 27.07.2022.

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 joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

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

Learned State counsel, on instructions from ASI Balwinder Singh, has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 02.05.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

27.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No