

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

206

CRM-M-24423-2021

Date of Decision:02.03.2022

SUKHA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vinod Kumar Kaushal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.46 dated 09.06.2021, registered under Sections 376/511/354 of IPC, 1860, at Police Station Bhindi Saidan, Amritsar Rural, Annexure P-1.

Counsel for the petitioner contends that though the prosecutrix has alleged that the petitioner molested her and attempted to rape her, yet the accusation levelled are not true and are motivated. He submits that the petitioner has joined the investigation pursuant to the order dated 21.09.2021 passed by this Court.

Upon instructions from SI Harwinder Kaur, State counsel has verified the factum of the petitioner having joined the investigation and has submitted that the investigation is complete and the challan is likely to be presented soon.

Heard counsel for the parties.

Vide order dated 21.09.2021, this Court granted interim bail to the petitioner and passed the following order in the main case:-

“Counsel for the petitioner prays for grant of anticipatory bail to the petitioner herein by contending that he has been falsely implicated in the case. It is submitted that the petitioner herein has been tutored to give statement on account of a video taken by Mangat Singh, father of Sukha Singh, the petitioner herein, where the uncle of the prosecutrix is seen withdrawing money out of an ATM and transferring the amount in his own account. It is also submitted that the prosecutrix failed to get her medical done and, therefore, the allegations of an offence under Section 376 IPC are totally unsubstantiated.

Notice of motion.

On the asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab, accepts notice on behalf of the respondent- State. He, on instructions from Inspector Sneh, would inform there is no medical on the record.

Adjourned to 01.03.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Keeping in view the submissions made and the statement of the State counsel, the present petition is allowed and the order dated 21.09.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

02.03.2022
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(SUVIR SEHGAL)
JUDGE

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