

CRM-M-24448-2022

Date of decision: 13.09.2022

SUNNY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Gupta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. N.S.Gill, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

On 31.05.2022, the following order was passed:-

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No. 55 dated 24.04.2022 under Sections 109/376-D/506 and 120-B IPC, registered at Police Station Garhshankar, District Hoshiarpur.

Briefly, the aforesaid FIR has been registered on the allegations that on 22.04.2022, Bunty (co-accused) had made a telephonic call to the victim, aged about 21 years, and informed that he was standing outside the house in the car. The petitioner alongwith sister-in-law (Bhabi) of Bunty (co-accused) were also sitting on the rear seat of the car. The victim was taken to village Billron and then to the cattle room. The sister-in-law of Bunty and the petitioner remained sitting in the car and the co-accused Bunty had committed wrong act with her in the cattle room.

Learned counsel for the petitioner contends that there is no allegation of commission of rape against the petitioner. Even, there is no allegation that he had, in any manner, facilitated the commission of the wrongful act or guarded the place of occurrence at the time the wrongful act was committed by Bunty (co-accused) upon the victim.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of the respondent-State. Mr. N.S.Gill, Advocate,

*also accepts notice on behalf of the complainant.
Learned State counsel, on instructions from ASI Balvir Singh, submits that in the statement under Section 164 Cr.P.C. the only allegation against the petitioner is to the effect that he was present in the car in which the victim was taken by Bunty (co-accused).
Adjourned to 13.09.2022.
In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”*

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

On instructions from ASI Kulwinder Singh, learned State counsel also states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 31.05.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

13.09.2022
renubala

(VIVEK PURI)
JUDGE

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