

**201/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-26165-2022
Date of Decision: 09.12.2022**

SANDEEP KAUR **... PETITIONER**
V/S
STATE OF PUNJAB **...RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Partap Singh, Advocate for
Ms. Renu Arora, Advocate, the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Atul Jain, Advocate, for the complainant.

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VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 64, dated 10.04.2022, registered under Sections 354-D, 384, 366, 376, 120-B, IPC at Police Station Sultanpur Lodhi, Tehsil and District Kapurthala,

On 04.08.2022 following order was passed:

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case at the behest of the prosecutrix because the prosecutrix was interested to have relations with the petitioner's husband and he refused to succumb to her desire; the story of the prosecution is highly improbable that the petitioner facilitated her own husband to commit rape upon the prosecutrix; the prosecution story with regard to the petitioner and her mother forcing the prosecutrix to consume liquor so that in the state of inebriation the petitioner's husband could rape her is improbable on the face of it; there is an unexplained delay of several months in lodging of the FIR; there is no medical evidence to support the allegations of rape; since there is an unexplained delay between the alleged incident and the lodging of the FIR there possibly cannot be any forensic evidence to support the prosecutrix's version; the messages by the prosecutrix to the petitioner's husband's friend clearly reveals that the petitioner's husband had blocked the prosecutrix's calls/ messages showing malafides on the part of the prosecutrix to falsely implicate the petitioner; similarly placed co- accused- Balwinder Kaur who is the petitioner's

mother had earlier approached this Court through CRM-M-21884-2022 has been granted interim anticipatory bail and that the petitioner is also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Ms.Gunkirat Kaur, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State and Mr.Atul Jain Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 07.09.2022.

To be heard along with CRM-M-21884-2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of her arrest in FIR No.64, dated 10.04.2022, registered under Sections 354-D, 384, 366, 376, 120-B, IPC at Police Station Sultanpur Lodhi, District Kapurthala, she shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer. ”

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

Learned State counsel has not disputed the aforesaid factual aspect of the case and has submitted that the custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.08.2022 is made absolute.

09.12.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No