

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM-M-26620-2022-

Date of decision:- 10.08.2022

Avtar Singh @ Avtar Singh Fauji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.K.S.Phoolka, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab for State-respondent.

...

SUVIR SEHGAL, J. (Oral)

On 16.06.2022, this Court passed the following order:-

“The present petition has been filed under Section 438 Cr.PC for the grant of anticipatory bail to the petitioner in a case registered vide FIR No.185 dated 28.05.2022 under Sections 376 IPC registered at Police Station City Faridkot.

The Counsel for the petitioner contends that it is a case of love affair. Infact the complainant is a girl of the age of 25 years and the allegations as set out in the FIR that the petitioner committed the offence of rape on the pretext of wanting to marry the prosecutrix are incorrect. He contends that in fact the complainant was also involved with another person with name of Deepu Kotli who is also in the army like the petitioner and there was never any promise by the petitioner to get married to the complainant.

Notice of motion for 10.08.2022.

Mr. Amitoj Singh Dhaliwal, DAG Punjab accepts notice on behalf of respondent-State of Punjab.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.PC:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender their passports, if any.

The learned State Counsel is directed to file a reply in this matter on or before the next date of hearing.”

State counsel has filed short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division, Faridkot, which is taken on record. On the basis of the reply, he submits that the petitioner has joined the investigation and his blood sample has been taken for DNA analysis, though the report is awaited. Still further, he submits that challan has been prepared and it is yet to be approved by senior officials.

In view of the above, but without commenting on the merits of the case, present petition is allowed.

Order dated 16.06.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

10.08.2022
Kamal

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