

CRM-M-28764-2022

Date of decision: 25.08.2022

GAURAV SARPAL AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Sharma, Advocate for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

VIVEK PURI,J. (ORAL)

On 08.07.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners in case FIR No.72 dated 20.06.2022, registered under Sections 376/511/451/323/34 IPC, 1860 at Police Station Division No.4, District Ludhiana. Briefly, the allegations in the FIR are to the effect that the prosecutrix is 19 years old who was called to his house by Satish Sarpal i.e. the father and father-in-law of petitioner Nos.1 and 2 respectively. Satish Sarpal attempted to commit wrong act with her and the co-accused gave beatings to her.

Learned counsel for the petitioners contend that the allegations with regard to commission of tress-pass and attempt to commit rape have not been attributed to the petitioners. The allegations against petitioner No.1 are to the effect that he gave kick blow and petitioner No.2 caught hold of the prosecutrix from her hair and gave slaps on her face. The allegations against the petitioners with regard to the offence under Section 323 IPC which is bailable. The main accused Satish Sarpal has already been arrested and has been remanded to judicial custody.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 25.08.2022.

Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contend that in pursuance of interim directions, the petitioners have joined the investigation.

On instructions from ASI Sita Ram, learned State counsel also states that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 08.07.2022, granting interim bail to the petitioners are made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

25.08.2022
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(VIVEK PURI)
JUDGE

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