

Sr. No.219

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

(through video conferencing)

CRM-M-32254-2021

Date of Decision:13.01.2022

Lakhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Sidhu, Advocate
for the petitioner.

Ms. Jaspreet Kaur, A.A.G. Punjab.

Manjari Nehru Kaul, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.62 dated 29.05.2021 under Section 376-D IPC registered at Police Station Nehianwala District Bathinda.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case which is evident from the fact that the petitioner was not named in the FIR and it was after 24 days, his name was nominated as an accused by the victim while recording her statement under Section 164 Cr.P.C. It is further submitted that a perusal of the statement recorded under Section 164 Cr.P.C. reveals that the prosecutrix had given a version which was contrary to the allegations levelled in the FIR in question, inasmuch as, she had exonerated the main accused Manga Singh, who had allegedly raped her. Subsequently, the prosecutrix had

yet again taken a U-turn vide her affidavit Annexure P-4 dated 30.07.2021, wherein, she completely exonerated the petitioner of any wrongdoing.

Learned counsel for the petitioner submits that in compliance of the order dated 14.06.2021, the petitioner has joined and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Kaur Singh does not dispute the submissions made by the counsel opposite qua the varying stands taken by the prosecutrix subsequent to the registration of the FIR in question. She, on instructions also does not dispute the factum of the petitioner having joined the investigation. She, on further instructions submits that the petitioner is not required for further investigation, much less, for custodial interrogation.

In view of the above, the petition is allowed and interim order dated 14.09.2021 is made absolute subject to the conditions laid down in Section 438 (2) Cr.P.C.

13.01.2022
rajeev

(Manjari Nehru Kaul)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No