

**101+208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-37622-2022 in/and
CRM-M-33040-2022
Date of decision: 30.09.2022**

DAVINDERPAL SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bikramjeet Singh Jatana , Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Anamika Mehra, Advocate for the applicant/respondent No.2.

VIVEK PURI,J. (ORAL)

CRM-37622-2022

This is an application for placing on record the complaint as
Annexure R-1.

CRM application is disposed of and Annexure R-1 is taken on record.

Registry to tag the same at the appropriate place.

Main case

On 29.07.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.0044 dated 25.02.2022 under Sections 376 and 506 IPC registered at Police Station City-2, Mansa, District Mansa.

Learned counsel for the petitioner contends that the prosecutrix has raised false allegations in the FIR alleging herself to be unmarried. Although, it has been projected that the petitioner was having dispute with his wife, enticed the prosecutrix for marriage and committed rape upon her but the said allegations are false. The petitioner was never in any kind of relationship with the prosecutrix. The prosecutrix has also alleged that she became pregnant and delivered a female child on 29.04.2021 and the petitioner wrongly got recorded the name of Vicky in his place in the birth

certificate. It has been further contended that the marriage of the prosecutrix was solemnized with Sonu. The name of the husband of the prosecutrix has also been reflected as Sonu in the MLR dated 19.12.2020 contained at Annexure P-5. Annexure P-3 is the entry in the birth registration register, wherein, the father's name of the female child, born on 29.04.2021 to the prosecutrix, has been depicted as Sonu. Furthermore, the birth has been got registered at the instance of Guddi Devi, the maternal grand mother of the female child. There is no birth certificate to indicate that the name of the father has been depicted as Vicky as projected by the prosecutrix and that too at the instance of the petitioner.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 30.09.2022.

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 and furthermore, challan has also been presented.

On instructions from SI Raj Singh, learned State counsel has not disputed the aforesaid factual aspects and further submitted that custodial interrogation of the petitioner is not required.

Learned counsel for the complainant has opposed the bail application on the score that the thumb impressions of the grandmother of the child were procured on blank papers and even, the samples have been procured for DNA analysis and the report is still awaited.

Be that as it may, the thumb impressions of the grandmother of the child also appear on the record of the birth registration register as already observed in the aforesaid order. Moreover, the report of DNA analysis is likely to

take sometime. The petitioner has already joined the investigation in pursuance of interim directions issued by this Court and his custodial interrogation is not required. Furthermore, the challan has already been presented. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

In view of the aforesaid submissions, the order dated 29.07.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

30.09.2022
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(VIVEK PURI)
JUDGE

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