

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37202-2022 (O&M)

Date of Decision: 23.11.2022

SONU ALIAS RAJA SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Namish Sodhi, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG, Punjab.
Mr. Mukul Sheoran, Advocate for respondent No. 2.
* * *

VIVEK PURI, J. (ORAL)

On 13.09.2022 following order was passed:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners in case FIR No.106 dated 24.05.2022, registered under Sections 376/511/34 IPC, 1860 and Section 67 of Information and Technology Act, 2000 at Police Station Lopoke, Amritsar Rural.

The reply has not been filed on behalf of the respondent-State despite last opportunity.

Learned counsel for the petitioners contend that the allegations against petitioner No.2 are to the effect that he had made an attempt to commit rape upon the prosecutrix and the co-accused, namely, Gallu had prepared the video. However, the attempt to develop physical relationship was thwarted by the prosecutrix. The name of petitioner No.1 has not been reflected in the FIR. Furthermore, the dispute has been amicably settled between the parties and the prosecutrix who is aged about more than 18 years has submitted an affidavit/compromise dated 13.07.2022 (Annexure P-2).

Learned State counsel has submitted that though, the reply has not been filed but on instructions from ASI Angrej Singh, further submits that the name of Sonu @ Raja Singh-petitioner No.1 has emerged in the supplementary statement of the prosecutrix which has been recorded on 29.06.2022. However, it has not been disputed that the allegations are only with regard to attempt to commit rape and even, prosecutrix has refused for her medical examination.

Adjourned to 23.11.2022.

Meanwhile, it is directed that the petitioners shall join the investigation and would come present as and when called

for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions from ASI Angrej Singh, has not disputed the aforesaid factual aspect and has stated that custodial interrogation of the petitioners is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.09.2022 is made absolute.

The petition stands allowed.

23.11.2022

Janki

(VIVEK PURI)
JUDGE

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