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

CRM-M-37705-2022

Date of decision : 06.12.2022

Pardeep Gabbar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hanspuneet Singh Kehal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Sanjeev Sharma, Legal Aid Counsel
Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.275 dated 25.11.2021 registered under Sections 420, 454, 380, 34 of the Indian Penal Code, 1860 at Police Station Sadar, Amritsar.

On 25.08.2022, this Court had passed the following order:-

“Learned counsel for the petitioner, inter alia, contends that in the present case the primary allegations with respect to rape are against accused Ravinderpal Singh and not against the present petitioner. It is submitted that the only allegation against the present petitioner is that he along with co-accused had removed some articles from the

house where the complainant Meera was staying and the same has been done with her consent. Learned counsel for the petitioner has further submitted that in order to show his bona fide and without admitting his liability, the petitioner is ready to get a demand draft of Rs.50,000/- in the name of the complainant within a period of two weeks from today.

Notice of motion for 15.09.2022.

On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Petitioner is directed to get a demand draft of Rs.50,000/- in the name of the complainant and give the same to the Investigating Officer within a period of two weeks from today. The investigating officer is directed to hand over the said demand draft to the complainant after taking receipt regarding the same.

It is made clear that in case the said demand draft is not handed over to the complainant within a period of two weeks from today, then the interim order granted in favour of the petitioner would be liable to be vacated. The said payment however would not be construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 25.08.2022, the petitioner has joined the investigation and has handed over demand draft amounting to

Rs.50,000/- prepared in the name of complainant to the Investigating Officer.

Learned counsel for the State, on instructions from ASI Amarbir Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the demand draft amounting to Rs.50,000/- prepared in the name of complainant which has been handed over by the petitioner to the Investigating Officer, the Investigating Officer has further handed over the same to the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 25.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and also the fact that the petitioner has handed over the abovesaid demand draft to the Investigating Officer, the present petition is allowed and the interim order dated 25.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

06.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**