

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

CRM-M-41715-2021

Date of Decision: 04.03.2022

GURDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. P.S.Sekhon, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

On 05.10.2021, the following order was passed:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner, who has been nominated as an accused only on the basis of disclosure statement of co-accused Sukhbir Singh, who is in custody. Counsel for the petitioner would contend that in the FIR there are allegations against said Sukhbir Singh of abducting and kidnapping the prosecutrix and committing rape upon her in a locked room. It is submitted that the only role attributed to the petitioner, even in the disclosure statement suffered by the co-accused, is that he brought back the scooter that was used by said Sukhbir Singh in abducting the prosecutrix. It is submitted that other co-accused Rajan Kumar and Love Maggu have already been allowed to join the investigation by this Court.

Notice of motion for 04.03.2022.

At this stage, Ms. Rashmi Attri, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.

Connect with CRM-M-39244-2021.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Davinder Dass, has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

In the instant case, the allegations of commission of rape have not been levelled against the petitioner and the same are against Sukhbir Singh (co-accused). Furthermore, the petitioner has been stated to be nominated on the basis of the statement of the disclosure statement of co-accused and allegations against him are only to the extent that he has provided help/shelter to the main accused.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 05.10.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

04.03.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No