

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

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**CRM-M-43228-2021
Decided on : 03.02.2022**

Lovepreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Parminder Singh Sekhon, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Jagtar Singh.

Ms. Shweta Bawa, Advocate
for the complainant.

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. 183, dated 11.09.2021, lodged under Section 376(2)(n) of IPC, registered at Police Station Bhawanigarh, District Sangrur (annexed as Annexure P-1).

Learned counsel for the petitioner contends that a perusal of the allegations levelled in the FIR in question leaves no manner of doubt that it was essentially a consensual relationship between the prosecutrix and the petitioner. Moreover, it is the admitted case of the prosecutrix herself that preceding the two years from the date of registration of the FIR in question, the petitioner and the prosecutrix had not been in touch with each other. It has been submitted that even there was no medical evidence on record to support the allegations of rape and it could be clearly inferred that a false

and fabricated case had been planted upon the petitioner.

Learned counsel further submits that pursuant to order dated 13th October, 2021, of this Court, the petitioner has joined investigation and cooperated with the investigation agency.

Learned State counsel does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency and submits that challan stands presented in the case. He on further instructions from SI Jagtar Singh, has submitted that the petitioner is no longer required for further investigation, much less, custodial interrogation.

However, learned counsel appearing for the complainant has opposed the grant of bail to the petitioner by reiterating the allegations levelled in the FIR in question.

Heard.

In view of the above, the petition is allowed and interim order dated 13th October, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

February 03, 2022

J.Ram

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