

CRM-M-45285 of 2021
Date of Decision:25.2.2022

Nimma

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG, Punjab

MANJARI NEHRU KAUL, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No. 34 dated 15.4.2021 under Sections 376-D and 120-B IPC registered at Police Station Sekhwan, District Batala.

At the outset, a pointed query was put to the learned counsel as to how the instant petition was maintainable. Learned counsel has invited the attention of this Court to order dated 26th August 2021 (Annexure P-2) vide which the petitioner was granted interim bail. However, subsequently vide order dated 14.09.2021 (Annexure P-3) interim relief which had been granted to the petitioner was vacated in the light of submissions made by the learned State counsel that the prosecutrix had levelled specific allegations of rape against the petitioner in her statement recorded under Section 164 CrPC. Further submitted that during interregnum, while stepping into the witness box as PW-1, prosecutrix yet again turned turtle and did not allege

any wrong-doing, much less, rape against the petitioner, as a result of which she was declared hostile. In support thereof, learned counsel has drawn the attention of this Court to the statement of the prosecutrix (Annexure P-4). Learned counsel states that pursuant to order dated 29.10.2021, passed by this Court, the petitioner has joined the investigation and co-operated during the investigation.

Learned State counsel on instructions from ASI Harkesh Singh does not dispute the submissions made by learned counsel for the petitioner qua the prosecutrix not alleging any wrong-doing against the petitioner. He further submits that the petitioner has joined the investigation and co-operated with the investigating agency. He, on further instructions states that the petitioner is not required for further investigation.

In view of the above, the petition is allowed and interim order dated 29.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

25.2.2022

PARAMJIT

Whether speaking/reasoned: Yes

Whether reportable : Yes/No