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

CRM-M-46653-2021
Date of Decision: 10.01.2022

GURPREET SINGH **... PETITIONER**

V/S

STATE OF PUNJAB **... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Gopal Singh Nahel, Advocate for the complainant.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

* * *

VIVEK PURI, J. (ORAL)

On 08.11.2021, following order was passed:

"Petitioner-Gurpreet Singh is seeking anticipatory bail in case bearing FIR No.0305 dated 24.11.2019 under Sections 377, 498-A, 323 and 506 IPC registered at Police Station City Muktsar, Shri Muktsar Sahib.

Precisely, the aforesaid FIR was registered on the basis of the statement of wife of the petitioner alleging that the marriage was solemnized six years ago, she could not conceive, no treatment was being provided to her, the petitioner had been indulging in carnal intercourse and also torturing her.

It has been contended by learned counsel for the petitioner that during the course of medical examination of the complainant, she never disclosed any history of unnatural sexual intercourse and no external injury was found on her person. Moreover, the complainant was also provided with the treatment. The petitioner had also purchased a residential house for a sum of ₹8,15,000/- jointly in his name and that of the complainant. Furthermore, after investigation, cancellation report was submitted, wherein, the complainant filed a protest petition and petitioner has been summoned as an accused.

JANKI BHATT
2022.01.10 17:16
I attest to the accuracy of this document
High Court Chandigarh

Notice of motion for 10.01.2022.

In the meanwhile, it is directed that the petitioner shall surrender before the learned trial Court/Duty Magistrate within a period of 15 days and on his doing so, he shall be admitted on interim bail to the satisfaction of the trial Court/Duty Magistrate. This order is further subject to the condition that the petitioner shall comply with the provisions of Section 438 (2) Cr.P.C."

It has been stated by learned counsel for the petitioner that in pursuance of the interim directions issued by this Court, the petitioner has already surrendered before the trial Court and cancellation report has been submitted, his custodial interrogation is not required.

Learned State counsel, on instructions from ASI Jagtar Singh, has not disputed the factual position of the case.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrrest bail to the petitioner. The order dated 08.11.2021 is made absolute. However, the petitioner shall furnish fresh bail bonds to the satisfaction of the trial Court/Duty Magistrate within a period of one month from today.

The petition stands allowed.

(VIVEK PURI)
JUDGE

10.01.2022
Janki

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

JANKI BHATT
2022.01.10 17:16
I attest to the accuracy of this document
High Court Chandigarh