

CRM-M-51697-2021

Date of Decision: 28.04.2022

AJMER SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Salathia, Advocate for the petitioner.  
Ms. Ruchika Sabherwal, AAG Punjab.

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VIVEK PURI, J. (ORAL)

On 28.01.2022, following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 07 dated 18.01.2021, under Sections 376/509 IPC, 1860, registered at Police Station Mattewal, District Amritsar.

Briefly, the FIR has been registered by the prosecutrix who is stated to be an ex-wife of the petitioner. There are allegations to the effect that after the dissolution of the marriage, the petitioner had been committed rape upon her.

Learned counsel for the petitioner contends that the marriage was solemnized in the year 2009 and two children were born from the wedlock. The marriage was dissolved in the year 2012 and even thereafter, the prosecutrix had been in occupation of the house owned by the father of the petitioner. The father of the petitioner had been asking her to vacate the same but on that score, a false FIR has been registered. Furthermore, the petitioner is still residing in India.

Learned counsel for the complainant contends that the complainant is residing in her parental house.

Adjourned to 28.04.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Baldev Singh has not assailed the aforesaid factual aspect of the case and has further stated that the custodial interrogation of the petitioner is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 28.01.2022 is made absolute.

The petition stands allowed.

28.04.2022

Janki

(VIVEK PURI)  
JUDGE

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