

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 252

CRM-M-50492-2019

Date of decision : 06.07.2022

Gurpreet Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Shekhar Verma, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Dushyant Sarvesh, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.79 dated 01.11.2019 registered under Sections 451, 376 and 506 IPC at Police Station Bhaini Mian Khan, District Gurdaspur.

The petitioner is being prosecuted for having raped his former wife.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on account of the animosity that the complainant carried with her after the petitioner and the complainant were divorced; the petitioner has no other criminal case pending against him; under the interim order passed by this Court the petitioner has cooperated with the investigation; not only is the investigation in this case complete but in the petitioner's trial even the prosecutrix has been examined who in the course of such examination has not towed the line of the prosecution and that in the afore circumstances the petitioner's custodial interrogation would not be necessary.

Learned State counsel admits to the fact that after the grant of ad interim anticipatory bail the petitioner cooperated with the investigation and that in the petitioner's trial the prosecutrix has been examined and during the course of such examination she has turned hostile.

On 05.12.2019 this Court had granted ad interim anticipatory bail to the petitioner. It is the admitted position that while the petitioner was on ad interim anticipatory bail he cooperated with the investigation. As on date the petitioner's trial is under-way in which all material witnesses including the prosecutrix have been examined. It is not disputed that during the course of her examination the prosecutrix has virtually exonerated the petitioner of the offences he is being prosecuted for.

In the light of the above facts especially the statement made by learned State counsel, the order of this Court dated 05.12.2019, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

06.07.2022

shamsher

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

[DEEPAK SIBAL]

JUDGE