

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

208

CRM-M-305-2023

Date of Decision: 03.03.2023

Raj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Ishan Gupta, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab  
(assisted by ASI Rajender Singh)

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**JAGMOHAN BANSAL, J. (ORAL)**

On 10.01.2023, the following order was passed:-

*“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.100 dated 06.05.2022 registered at Police Station Sadar Nabha, under Sections 376(2)(n), 506 and 120B of Indian Penal Code, 1860 subsequently added Sections 370 and 377 of IPC.*

*Learned counsel for the petitioner inter alia contends that the petitioner was not named in the FIR. There was allegation of rape against co-accused Lalli who has been granted concession of interim bail by Hon'ble Supreme Court vide order dated 14.12.2022 passed SLA(criminal) No.11661-2022. The prosecutrix had furnished affidavit which was further verified by police authorities on the directions of this Court, disclosing that FIR was lodged under the pressure of parents and she has got married with Jaswinder Singh and is residing with him. Jaswinder Singh is co-accused and he has already been granted concession of anticipatory bail by ASJ, Patiala. The petitioner is not involved in any other offence. The petitioner is permanent resident of Nabha, Patiala and staying with his family members. The petitioner is ready to join investigation and face trial. There is no possibility of*

*flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.*

*Notice of motion returnable for 03.03.2023.*

*Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, seeks time to file status report.*

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before investigation officer on 19.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

*If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”*

Reply by way of affidavit dated 03.03.2023 of Davinder Kumar, P.P.S., Deputy Superintendent of Police, Sub-Division Nabha, District Patiala filed by respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel submits that challan stands presented against other accused and matter is fixed for prosecution evidence. He further confirms that petitioner has joined investigation and no custodial

interrogation is required. The prosecutrix has solemnized marriage with co-accused-Jaswinder.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 10.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)  
JUDGE

03.03.2023  
Mohit Kumar

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |