

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
209

CRM-M-2078-2023

Date of Decision: 17.07.2023

Varinder Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Angad Chahal, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 144 dated 11.12.2022 registered under Sections 377, 406, 498-A, 323, and S. 149 IPC at Police Station Kathu Nangal, District Amritsar Rural.

On 16.01.2023, this Court had passed the following order :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 377, 406, 498-A, 323, 149 IPC, in a case arising out of FIR No. 144, dated 11.12.2022, registered at Police Station Kathu Nangal, District Amritsar Rural.

On oral request of learned counsel for the petitioner, complainant-Ravinder Kaur, aged about 25 years, d/o Inderjit Singh, R/o village Kathu Nangal, District Amritsar, Mobile No. 8556993054, is impleaded as respondent No.2 in the present petition.

Registry is directed to make necessary corrections in

the memo of parties in this regard.

Learned counsel for the petitioner contends that petitioner and complainant are well educated and got married on 24.01.2022. After marriage, petitioner and her wife (complainant) could not pull on their relations because of temperamental differences. He further submits that by preparing a concocted version, maximum number of family members of the petitioner have been involved in criminal case without there being any specific allegations against the petitioner except of doing of carnal inter-course against the order of nature with the complainant.

Counsel also points out that in the FIR, there is no specific date mentioned as to when such act was done by the petitioner. He further states that other accused mentioned in the FIR have already been granted anticipatory bail by the Court of learned Additional Sessions Judge, Fast Track Court, Amritsar and even all the recoveries have been effected.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Mr. Angad Chahal, Advocate, accepts notice on behalf of respondent-2/complainant and files his vakalatnama and same is taken on record. Registry is directed to tag the same at appropriate place. He seeks time to move an appropriate application.

Adjourned to 29.03.2023.

In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer.

Petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

Learned State counsel, on instructions from ASI Vikramjit Singh, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 16.01.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court praying for passing appropriate orders.

The petition stands disposed of.

17.07.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No