

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-5468-2020 (O&M)

Date of Decision : 06.11.2023

KAMALPREET @ KAMALJIT SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhijeet P.S. Chaudhary, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.135 dated 27.07.2019 under Sections 376, 506 of the Indian Penal Code, 1860 registered at Police Station Tibba, District Police Commissionerate, Ludhiana.

2. On 06.09.2021 the following order was passed :

“This is a petition that has been filed for grant of anticipatory bail to the petitioners in case FIR No.135 dated 27.07.2019 under Sections 376/506 IPC, registered at Police Station Tibba, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner would submit that the allegations of rape are not substantiated by any

of the medical examination.

Learned State counsel would submit that the medical has conducted whereas nothing has been detected.

By an order dated 07.02.2020, arrest of the petitioner had been stayed and he was not directed to join the investigation.

The petitioner herein, is directed to join the investigation within a period of one week and on doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Adjourned to 16.02.2022.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Kulwinder Singh, has submitted that the petitioner has since joined investigation and has fully cooperated and a mobile phone has also been recovered and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 06.09.2021 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

06.11.2023

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO*