

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

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CRM-M-9383-2023

Date of Decision: 13.04.2023

Karan Kapoor**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Rishu Mahajan, Advocate for the petitioner

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

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking grant of anticipatory bail in FIR No.14 dated 09.02.2023 under Sections 376 Indian Penal Code, 1860 (for short 'IPC') registered at Police Station D Division, Amritsar.

On 03.03.2023, the following order was passed:-

“Status report dated 02.03.2023 by way of affidavit of Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar, is taken on record. Registry is directed to tag the same at appropriate place.

As per status report, the petitioner is a drug addict and he was twice got admitted in Rehabilitation Centre. The victim has confirmed her presence in the videos and further confirmed WhatsApp chat which has taken place between the parties. From the perusal

of WhatsApp chat and reply, it transpires that allegations were levelled by prosecutrix because petitioner is not performing marriage with her. Case of the petitioner is primarily covered by decision of Hon'ble Supreme Court in Sonu @ Subhash Kumar vs. State of Uttar Pradesh 2021 SCC online SC 181.

Adjourned to 13.04.2023.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and 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, this Court is of the prima facie opinion that the petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 10.03.2023 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 with 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.”

Learned State counsel, on instructions from ASI Balwinder, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 03.03.2023 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

13.04.2023
Mohit Kumar

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