

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

214

Criminal Misc. No. M- 15257 of 2023

Date of decision :-05.07.2023

Harjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Ms. Kanika Sachdeva, AAG, Punjab
Assisted with ASI Narinder Pal.

Mr. Kuldeep Singh Saini, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.18 dated 06.03.2023, under Sections 376(2)(n) and 506 IPC (offence under Section 120-B IPC added later on), registered at Police Station City Morinda, District Rupnagar.

Mr. Kuldeep Singh Saini, Advocate has put in appearance on behalf of complainant and filed his Power of Attorney, which is taken on record.

On 24.3.2023, co-ordinate Bench of this Court had passed the following order :-

“The present petition is for grant of anticipatory bail to the petitioner, who is a 56 years old man in FIR No. 18 dated 06.03.2023

under Sections 376 (2) (n), 506 of IPC, and offence under Section 120-B of IPC, added later on, registered at Police Station City Morinda, District Rupnagar (Annexure P-1).

Learned counsel for the petitioner submits that as per the allegations in the FIR, in fact, the complainant was an employee of the petitioner and the actual dispute is with regard to her pay. He further submits that, in fact, as per the inquiry report submitted by the Superintendent of Police, Rupnagar to the Senior Superintendent of Police, Rupnagar, in a complaint earlier filed by the same complainant against one Varun, it has been duly recorded that the complainant and her aunt are running a racket of trapping innocent boys in connivance with each other and then blackmail them and file false complaints to extort money.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, assisted by ASI Surjeet Singh, accepts notice on behalf of the respondent-State and has vehemently opposed the petition and submitted that even if the relationship was consensual, but the complainant has categorically stated in her complaint that after she left the job with the present petitioner, she got married to one Amandeep Singh, the present petitioner has sent the entire information about her relationship to her in-laws family, which has resulted in breaking of her matrimonial house.

Per contra, counsel for the petitioner has submitted that the said allegation is also wrong, for the reason that the compromise between the complainant and Amandeep Singh demonstrates that the complainant was herself staying

separately much before the incident i.e. to say since 25.12.2021.

Heard the learned counsel for the parties.

Although, the petitioner does not seem to be an innocent person and this Court does not comment about his moral character, however, looking into the antecedents of the complainant and the fact that there is a delay of 09 months in lodging the FIR, the petitioner is entitled to the concession of interim bail.

Accordingly, the petitioner is directed to join investigation on 01.04.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 05.07.2023.

The respondent-State is also directed to investigate into the antecedents of the complainant and file a status report before the next date of hearing.”

Learned State counsel, on instructions from ASI Narinder Pal 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 24.03.2023 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 well 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 for passing appropriate orders.

The petition stands disposed of.

July 05, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No