

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**204****CRM-M No.16480 of 2022****Date of Decision : 14.12.2023**

Princedeep Singh

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : None for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

None for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.196 dated 10.09.2021 under Sections 376 and 506 of the Indian Penal Code, 1860, registered at Police Station Sadar, Sri Muktsar Sahib, Punjab.

2. On 18.05.2022 the following order was passed :

“Petitioner is seeking pre-arrest bail in case bearing FIR No.196 dated 10.09.2021 under Sections 376, 506 IPC, registered at Police Station Sadar, Sri Muktsar Sahib, Punjab.

Briefly, the allegations against the petitioner are to the effect that on 11.08.2021, the prosecutrix was alone in the house and the petitioner had committed rape upon her.

Learned counsel for the petitioner states that the marriage of the petitioner with the prosecutrix has been solemnized on 15.03.2022 and Annexure P-2 is the copy of the marriage certificate. Furthermore, the date of birth of the prosecutrix is 23.10.2001 and was aged more than 18 years at the time of occurrence. She has also submitted a representation for cancellation/withdrawal of the FIR, Annexure P-5.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab has put in appearance on behalf of the State. On instructions of ASI Rajveer Singh, learned State counsel has asserted that as per her instructions, the petitioner has solemnized marriage with the prosecutrix and the photographs depicting the marriage have also been procured during the course of investigation.

Mr. Jatin Khurana, Advocate has appeared for respondent No.2 and has not disputed the aforesaid assertions as putforth by learned counsel for the petitioner.

Adjourned to 23.08.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

3. Learned counsel for the petitioner states that the petitioner has since joined investigation and fully cooperated.
4. Status report by way of affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, District

Sri Muktsar Sahib filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. It has been stated in the status report that the parties have compromised the matter. FSL Report has also been appended with the status report as per which no human semen was detected.

5. Learned counsel for the State on instructions from ASI Jang Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 18.05.2022 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.

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

(ALKA SARIN)
JUDGE

14.12.2023
jk

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