

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18452-2023
Date of Decision: 27.07.2023

KUNDAN KUMAR ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Chandan Deep Singh, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 17.04.2023, following order was passed by the Co-ordinate

Bench:

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.38 dated 21.03.2023 under Sections 366, 376 IPC, registered at Police Station, Dakha, District Ludhiana.

Learned counsel for the petitioner contends that allegations against the petitioner of enticing away the complainant and raping her, are false. As a matter of fact, the complainant and the petitioner married on 05.11.2022. After marriage, they stayed together for about one month and ten days as husband and wife. Thereafter, the complainant was taken away by her parents and under their pressure, the instant FIR was lodged. The fact was verified by the police as recorded in the investigation, which is part of the FIR only, that the two were released from police Station on assurance of respectable persons. The photographs of marriage of the parties have been placed on record as Annexure P-2. It is also submitted that the petitioner has filed a petition (Annexure P-3) under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights against the complainant, aged 21 years.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State and seeks time to verify the facts submitted by learned counsel for the petitioner.

Adjourned to 27.07.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C. ”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.
3. Learned State counsel, on instructions from ASI Narinder Kumar, has also submitted that the petitioner has joined the investigation and his custodial interrogation is not required.
4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 17.04.2023 is made absolute.

27.07.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No