

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18701-2023
Date of Decision: 19.10.2023

BALWINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Giri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 18.04.2023, following order was passed by the Co-ordinate

Bench:

“The petitioner Balwinder Singh has filed petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.165 dated 02.06.2017, under Section 376-C IPC registered at Police Station Railway Police Jalandhar (GRP), District Jalandhar.

It is pointed out that earlier the matter was thoroughly investigated and thereafter cancellation report was accepted. As per the intimation given by SHO Police Station Railway Police, Jalandhar dated 25.04.2018 (P-4). He has also referred to the affidavit of Sunita, Annexure P-1, where she had given her no objection regarding the cancellation of FIR. It is argued that the petitioner is an old man. He is ready to join the investigation.

Notice of motion.

Learned counsel representing the State relied upon the statement of the prosecutrix dated 12.01.2022 recorded by Inspector GRP Jalandhar. The perusal of the statement indicates that the prosecutrix had also mentioned about the affidavit which she had given earlier.

Considering the aforesaid facts, the arrest of the petitioner is stayed subject to the joining of investigation.

Status report be filed by respondent – State by the adjourned date.

Adjourned to 06.07.2023.”

2. Learned counsel for the petitioner contends that in fact the cancellation report was prepared in the instant case but further investigation was ordered by the Court of learned Illaqa Magistrate as the prosecutrix had objected to the acceptance thereof. Furthermore, in pursuance of the interim directions, the petitioner has joined the investigation and has also given the specimen for DNA analysis.

3. Learned State counsel, on instructions from ASI Kailash Chand, has submitted that in pursuance of the interim directions, the petitioner has joined the investigation. It has been further submitted that the concerned Doctor has made a statement on 22.08.2023 that swabs were sent for chemical examination and the case pertains to the year 2017 and as such, the swabs are not presently available for DNA analysis. It has been further submitted that the custodial interrogation of the petitioner is not required.

4. Considering above, the petition is allowed and it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

19.10.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No