

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

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Criminal Misc. No. M-20358 of 2023

Date of decision :-18.07.2023

Simranjit Singh @ Simranjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajat Dogra, Advocate for
Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. P.K.S. Phoolka, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.185 dated 16.12.2022, under Sections 376(2)(n) IPC, registered at Police Station Sangat, District Bathinda.

On 25.4.2023, this Court had passed the following order

:-

“Simranjit Singh @ Simranjeet Singh has filed anticipatory bail petition in FIR No. 185 dated 16.12.2022, under Section 376(2)(n) of IPC, registered at Police Station Sangat, District Bathinda. Copy of FIR is Annexure P-1, which is registered on the statement of prosecutrix.

Learned counsel for the petitioner argued that all the allegations are false. It was consensual

relationship. He also referred to Annexure P-2 where she did not level any allegation of rape and in Annexure P-3, she claimed that it was consensual relationship. It is further pointed out that the prosecutrix is a lady, aged about 35 years having two grown up children, whereas, the petitioner is younger to her. The allegations are false. At the most, it can be consensual relationship. He is ready to join the investigation.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of the State.

Considering the aforesaid factual position, the arrest of the petitioner is stayed till next date, subject to the joining of investigation.

Adjourned to 18.07.2023.

Status report be filed by the respondent - State by the adjourned date.”

Learned State counsel, on instructions from ASI Gurtej Singh 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. He further submits that cancellation report in the matter has also been prepared, however, the same is pending for approval before the authorities.

Mr P.K.S. Phoolka, Advocate has put in appearance on behalf of complainant and filed his Power of Attorney, which is taken on record. He opposes the prayer made in this petition for grant of bail to the petitioner.

In view of the facts as mentioned above, the order dated 25.4.2023 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 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 18, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No