

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.23083 of 2023 (O&M)
Date of Decision : 07.08.2023

Rahul Sood

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aditya Anand, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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. 53 dated 15.03.2023 under Sections 376 and 506 of the Indian Penal Code, 1860 registered at Police Station Salem Tabri, District Ludhiana.

2. On 08.05.2023 the following order was passed :

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.53 dated 15.03.2023 under Sections 376, 506 of IPC at Police Station Salem Tabri, Ludhiana (Annexure P-1).

Learned counsel for the petitioner submits that there is an inordinate delay of two years in lodging the FIR, and in fact, a scrutiny of the FIR itself demonstrates that the FIR has been lodged, at the behest, of the estranged wife of the petitioner, who is in matrimonial discord. He further submits that he was granted the concession of interim bail vide order dated 29 .03.2023

by the Court below (Annexure P-5), and he had joined investigation and there was no report by the Police Authorities that the petitioner is not cooperating in the investigation. However, learned Court below has dislodged his anticipatory bail application only on the premises that the father of the petitioner had pressurized the prosecutrix to compromise the matter. He submits that there is no date or specific incident of such vague and bald allegations.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab assisted by SI Jatinder Singh, accepts notice on behalf of the State and submits that the petitioner had joined the investigation and a complaint was filed by the prosecutrix of pressurizing her, and therefore, the bail was declined by the Court below.

After hearing learned counsel for the parties, the petitioner is again directed to join the investigation on 15.05.2023 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 be satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that the petitioner and his immediate family members shall not try to contact or intimidate the prosecutrix in any manner whatsoever. The petitioner or his family members directly or indirectly or through any third party are restrained from contacting the prosecutrix.

Adjourned to 07.08.2023.

In the meanwhile, the State counsel is directed to file status report.”

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation as directed vide order dated 08.05.2023 and fully cooperated.

4. Learned counsel for the State on instructions from SI Balbir 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.

5. In view of the above, the order dated 08.05.2023 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.

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

(ALKA SARIN)
JUDGE

07.08.2023
jk

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