

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

203

CRM-M-25192-2023

Date of Decision: 02.06.2023

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Satprit K. Kapila, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Balwinder Kaur)

JAGMOHAN BANSAL, J. (ORAL)

1. On 17.05.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in additional offences under Sections 376 and 506 IPC added vide DDR No. 38 dated 27.04.2023 in FIR No. 148 dated 14.06.2022, under Section 366 IPC, registered at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioner inter alia contends that the petitioner vide order dated 22.09.2022 passed by a Co-ordinate Bench of this Court was granted concession of interim anticipatory bail and further directed to join investigation and vide order dated 23.01.2023, the interim order dated 22.09.2022 was made absolute. The investigating officer has added Sections 376 and 506 IPC in the FIR. The investigating officer after joining of

investigation has intentionally added Section 376 IPC though petitioner has solemnized marriage with prosecutrix and she was major at the time of marriage.

Notice of motion, returnable for 02.06.2023.

On the asking of Court, Ms. Guramrit Kaur, DAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

In view of the above, the petitioner is directed to appear before investigating officer on 20.05.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

2. Learned State counsel, on instructions from ASI Balwinder Kaur, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 17.05.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

02.06.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>