

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

210

CRM-M-26864-2022

Date of Decision: 12.04.2023

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Suvir Sidhu, Advocate with
Mr. Bhisham, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Gursahib Singh)

Mr. Raina Godara, Advocate with
Mr. Abhimanyu Balan, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 20.06.2022, the following order was passed:-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of anticipatory bail to the petitioner in case FIR No. 68 dated 11.05.2022 registered under Sections 376 and 506 of the IPC (Annexure P-1) at Police Station Sangat, District Bathinda.

Learned counsel appearing on behalf of the petitioner inter alia contends that the complainant is the aunt of his wife (Massi) and that as per the allegations levelled in the FIR, the petitioner is alleged to have committed the offence in the second week of

January, 2022. He further places reliance upon the CDR, to contend that there is no call made by the petitioner and that the allegations in this regard are not corroborated. It is further contended that the present FIR has been got registered after a period of nearly 04 months of the alleged commission of the offence. It is further contended that the complainant had specifically got recorded a DDR with the police and a compromise was effected wherein it was stated that she was being pressurised to make false allegations against the petitioner. He contends that the registration of the instant case is borne out of malice because the petitioner refused to extend any help to the husband of the complainant as the husband of the complainant is involved in an NDPS case. He further contends that the petitioner is an employee of the Police Department and has no criminal antecedents.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 04.08.2022, for further consideration.”

On 22.11.2022, the following order was passed:-

“Ms. Raina Godara, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.

On instructions from ASI Nirmaljeet Singh, learned State counsel submits that though, the petitioner has joined the investigation and his custodial interrogation is not required.

However, learned counsel for the complainant seeks time to place on record some documents.

On her request, adjourned to 27.02.2023.

Documents, if any, be submitted in the meantime.

Interim order to continue.”

The complainant has not filed any document as sought to be placed on record and noted in order dated 22.11.2022.

On 27.02.2023, the following order was passed:-

“Learned State counsel, on instructions from ASI Gurdil Singh, submits that further investigation is required, thus, petitioner may be directed to re-join the investigation

The petitioner is directed to appear before Investigating Officer on 03.03.2023 at 10:00 AM and co-operate in the investigation.

Adjourned to 12.04.2023.

Interim order to continue.”

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

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 20.06.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his 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.

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

12.04.2023
Mohit Kumar

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