

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M-35483-2023 (O&M)

Date of Decision : 21.11.2023

Sunil Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Sukhman Kaur, Advocate for
Mr. Jaskirat Singh Dhaliwal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.72 dated 21.04.2023 under Section 376 of the Indian Penal Code, 1860, registered at Police Station City Jalalabad, District Fazilka.

2. On 25.08.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.72 dated 21.04.2023 under Section 376 of the Indian Penal Code, 1860 (IPC) registered at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the case by the complainant who is 42 years of age. It is further the

contention that the present FIR is a counter-blast to FIR No.71 dated 21.04.2023 lodged by the petitioner against four persons, namely, Surinder Singh Kamboj, Rano Bai, Sunil Rai and wife of Sunil Rai under Sections 384, 389, 34 IPC. The learned counsel would further contend that the said FIR No.71 dated 21.04.2023 was lodged at 3.00 A.M. on 21.04.2023 whereas the present FIR was lodged at 8.40 A.M. on 21.04.2023. It is further the contention that the complainant has been arrested in FIR No.71 dated 21.04.2023.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent-State of Punjab and seeks some time to get his instructions.

List on 21.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully

cooperated.

4. Learned counsel for the State on instructions from ASI Jarnail Chand has stated that the petitioner has since joined investigation and has 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 25.08.2023 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.

21.11.2023*Deepak Patwal***(ALKA SARIN)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No