

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

214+1

CRM-M-28097-2022

Date of Decision: 18.04.2023

Mohammad Yousaf

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Himanshu Puri, Advocate for
Mr. Sunny Singla, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Nirbhai Singh)

Mr. Amandeep Saini, Advocate for
Mr. K.S. Sidhu, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 07.07.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.87 dated 01.06.2022, registered for offence under Section 376 of the Indian Penal Code, 1860, at Police Station City-II Malerkotla, District Malerkotla (Annexure P-1).

Counsel for the petitioner contends that physical relationship between the petitioner and the prosecutrix is consensual and a false story has been set up in the FIR to implicate the petitioner when he was entering into a matrimony with some other girl.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on

behalf of the respondent-State. Upon instructions from L/ASI, Manjeet Kaur, he submits that blood sample of the victim has been sent for DNA analysis. He is assisted by Mr. Kamaldip Singh Sidhu, Advocate for the complainant, who has filed Power of Attorney, which is taken on record.

List on 27.09.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Learned State counsel, on instructions from SI Nirbhai Singh, submits that police has already presented challan, charges stand framed and matter is fixed for prosecution evidence. The prosecutrix has been summoned through non-bailable warrants.

3. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 07.07.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. 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

18.04.2023
Mohit Kumar

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