

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30075-2023 (O&M)
Date of decision : 27.07.2023

Rajeev Ranjan Jha ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Vinay Kataria, Advocate for the complainant.

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.84 dated 13.03.2023 under Sections 420, 376 of the Indian Penal Code, 1860 (IPC) registered at Police Station Zirakpur, District SAS Nagar (Mohali).
2. On 09.06.2023 the following order was passed :

*“The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.84 dated 13.03.2023, under Sections 420, 376 IPC at Police Station Zirakpur, District SAS Nagar (Mohali).
It is submitted by the counsel for the petitioner that the*

the case against the petitioner is concocted. At this stage, though the petitioner is not denying the relationship with the complainant, however, the allegation has been levelled that he raped the complainant on the false pretext of getting married. Learned counsel has referred to the whatsapp chat between the petitioner and the complainant and has submitted that the chat between the two suggests otherwise. It was, rather, the complainant who intended to go with someone else. The petitioner is not required for any custodial investigation as such.

Notice of motion.

Mr. Sandeep, Addl. Advocate General, Punjab with ASI Ramesh Lal, P.S. Zirakpur, SAS Nagar, accepts notice on behalf of the respondent.

Adjourned to 27.07.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

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

4. Learned counsel for the State, on instructions from ASI Ramesh Lal, has stated that the petitioner has joined investigation and has fully cooperated and that he is no longer required for further custodial

interrogation as of now. He has further stated that DNA samples of the petitioner have been taken and that the FSL Report of the victim has since been received which is negative.

5. In view of the above, the order dated 09.06.2023 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.

27.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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