

202      IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-30144-2023  
Date of Decision: 15.09.2023

SUNNY SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

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

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. D.K.Prajapati, Advocate for the complainant.

\* \* \* \*

**VIVEK PURI, J. (ORAL)**

1. On 06.07.2023, following order was passed:

*“1. The petitioner is seeking anticipatory bail in the case bearing FIR No.0104 dated 08.04.2023 under Sections 376 and 417 IPC registered at Police Station Zirakpur, District SAS Nagar.*

*2. Learned counsel for the petitioner contends that the petitioner came in contact with the prosecutrix through social media and they were in relationship. The negotiations for matrimonial alliance had commenced. As per the allegations, the petitioner had taken the prosecutrix in a hotel on 07.11.2022, administered some stupefying material which rendered her unconscious and developed physical relations against her consent. It has been further submitted that even at a subsequent stage, the prosecutrix has again visited same hotel with the petitioner but nothing untoward had taken place. Infact, the matrimonial alliance could not materialize as the horoscope could not match and on that score, the petitioner has been sought to be falsely implicated. There is delay of six months in reporting the matter to the police.*

*3. Notice of motion.*

*4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State and seeks adjournment to get instructions in the matter.*

*5. Adjourned to 15.09.2023.*

*6. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure. ”*

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Nirmal Kaur, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Learned counsel for the complainant has opposed the bail application on the score that the petitioner has developed physical relations on the false pretext of marriage and is also indulging in such like activities with another lady.

5. The controversy as to whether the relationship between the petitioner and the complainant, if any, was consensual or deceitful will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 06.07.2023 is made absolute.

15.09.2023

Janki

(VIVEK PURI)  
JUDGE

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*