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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30221-2023 (O&M)
Date of decision : 19.09.2023

Chaman Singh Chaudhary ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ramandeep, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, 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.48 dated 08.04.2023 registered under Sections 376, 354, 354-A of Indian Penal Code, 1860 at Police Station Division 4, District Patiala, Punjab.

2. On 12.06.2023 the following order was passed :

“Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail in case FIR No.48 dated 08.04.2023 registered under Sections 376, 354, 354-A IPC at Police Station Division 4, District Patiala, Punjab.

As per allegations, one Gurvinder Singh @ Captain committed rape upon the complainant. It is also alleged that petitioner and one more person teased the

complainant. It is contended by learned counsel that there is no allegation of rape as far as petitioner is concerned. Besides, complainant has formed a gang for lodging of similar FIRs to extort the money and then turning hostile. Attention is drawn towards order dated 19.05.2023 passed by learned Additional Sessions Judge, Patiala (Annexure P.3) passed qua co-accused Gurvinder Singh wherein there is a reference of various FIRs lodged on the statement of prosecutrix under Section 376 IPC. There is specific reference of three cases in which she turned hostile.

Notice of motion.

Mr. Navneet Singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel, on instructions from ASI Baljinder Kaur, does not dispute the factual position as above. It is also conceded by him that the complainant specifically refused to get herself medically examined.

Adjourned to 14.08.2023.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

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3. Learned counsel for the petitioner would contend that pursuant to the orders dated 12.06.2023 and 18.08.2023, the petitioner has joined and rejoined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Raghbir Singh has stated that the petitioner has rejoined investigation as directed vide order dated 18.08.2023 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 12.06.2023 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.

19.09.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

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