

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-30691-2023

Date of Decision: 21.08.2023

Kuldeep

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. A.K. Khunger, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 0070 dated 26.04.2023 registered under Sections 354-A, 376(2)(n) and 506 IPC at Police Station Sadar Fazilka, District Fazilka.

On 20.06.2023, this Court had passed the following order :-

“Apprehending his arrest in FIR No.70 dated 26.04.2023, registered under Sections 354-A, 376(2)(n), 506 of the IPC at Police Station Sadar Fazilka, District Fazilka, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia submits that the complainant herself is a married lady having two children and has admittedly not been divorced. The present complaint has been lodged against the petitioner claiming that the petitioner continued to violate her on the pretext of solemnizing marriage, which is highly improbable. Further relies upon an order passed by the Apex Court in case of ‘Ansaar Mohammad Vs. State of Rajasthan, reported as 2022, AIR (Supreme Court) 3478’, to submit that where the complainant was willingly staying with the appellant and had the relationship, the failure of such relationship cannot be a ground for lodging FIR that too for the offences punishable under Section 376(2)(n) IPC.

Adjourned to 21.08.2023.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the

arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the order dated 20.06.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Satpal Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 20.06.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

21.08.2023
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No