

208

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

**CRM-M-30833-2023 (O&M)
Date of decision : 03.07.2023**

Kuldeep Sharma @ Kuldip Sharma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gaurav Partap S. Pathania, Advocate,
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0042 dated 23.05.2023, under Sections 354, 354-B, 323 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Shahpur Kandi, District Pathankot.

2. It transpires that above FIR was registered on the basis of statement made by one Sonam Sharma to the effect that petitioner, a doctor by profession, had outraged her modesty on the pretext of treating her and upon resistance, also inflicted injuries on her person.

3. The Coordinate Bench vide order dated 19.06.2023, granted interim bail to petitioner and the same reads as under:-

“Apprehending his arrest in FIR No.0042 dated 23.05.2023 (Annexure P-1), registered for offences punishable under Sections 354, 354-B and 323 of the IPC

at Police Station Shahpur Kandi, District Pathankot, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioner states that the petitioner is a doctor and has been falsely implicated in the present case and there is a delay of almost three days in registering the present FIR.

Learned State counsel is not in position to dispute the aforesaid fact.

Adjourned to 03.07.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

4. Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kuldeep Singh and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 19.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Disposed off accordingly.

03.07.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No