

2023:PHHC:122717

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

CRM-M-31434-2023

Date of Decision: 19.09.2023

SHINDER PAL SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Nitin Meel, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Priya Bansal, Advocate for
Mr. Satish Sabharwal, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

1. On 03.07.2023, the following order was passed:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.60 dated 26.04.2023 registered under Sections 376/506 IPC at Police Station Guruharsahai, District Ferozepur.

2. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner had committed rape upon the prosecutrix on the false pretext of marriage. It has been submitted that the prosecutrix is aged about 29 years and the parties were in consensual relationship. The prosecutrix had submitted a complaint and during the course of enquiry, it has been concluded that the statement of the prosecutrix does not contain any veracity. The parties were on friendly relations and the allegations with regard to commission of rape have been levelled just to settle the grudge by the prosecutrix. It has been further submitted that the petitioner is a government employee working in PWD Department as Clerk. The prosecutrix is the cousin of the brother-in-law (Jija) of the petitioner. There was negotiation for matrimonial alliance between the petitioner and the prosecutrix but the same could not materialize as the prosecutrix was in relationship with another person. The marriage of the petitioner has been subsequently solemnized and the allegations have been levelled by the prosecutrix against the petitioner as her

family felt offended on account of rejection of the marriage proposal.

3. Notice of motion.

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

5. Adjourned to 19.09.2023.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

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

3. Learned State counsel, on instructions from ASI Atma Singh, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioner is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 03.07.2023, vide which the petitioner has been granted interim bail, is made absolute.

5. Petition is allowed.

19.09.2023
smriti

(VIVEK PURI)
JUDGE

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