

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**207****CRM-M No.33256 of 2020****Date of Decision : 11.12.2023**

Paramjeet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Balraj Singh Sidhu, Advocate for
Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.168 dated 13.08.2020 under Section 346 of the Indian Penal Code, 1860 (Sections 376, 506 and 34 IPC were added later on) registered at Police Station Vairoke, District Fazilka.

2. On 29.10.2020 the following order was passed :

“Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present case. It is argued that version of the complainant and the prosecutrix is at variance, while further contending that there is delay of 20 days in intimating the police regarding the fact that the prosecutrix was missing, who is none other than the wife

of the complainant. It is also submitted that the police went to get the statement of the prosecutrix recorded, however, she refused to do the same on two occasions and it was only subsequently that she was ready to give the statement regarding the alleged rape committed by the petitioner. Counsel for the petitioner also submits that the petitioner is ready to give his DNA sample, if required.

Notice of motion.

At this stage, Ms. Rashmi Attri, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice and submits that medical has already been done and swab has been sent to FSL at Mohali to find out whether the spermatozoa has been detected or not.

Adjourned to 18.02.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Thereafter, the case has been adjourned on various dates

awaiting the DNA Report.

4. Learned State counsel on instructions from ASI Jaswinder Singh has submitted that the DNA Report has been received and the same is negative. He further, on instructions, states that the petitioner has since joined investigation and 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 29.10.2020 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.

(ALKA SARIN)
JUDGE

11.12.2023
jk

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