

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CRM-M No.34442 of 2023

Date of Decision : 03.11.2023

Rajwinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tanvir Singh Grewal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. J.K. Sehrawat, Advocate for the complainant.

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.41 dated 12.04.2023 under Sections 376 and 506 of the Indian Penal Code, 1860 registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. On 19.07.2023 the following order was passed :

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.41 dated 12.4.2023, under Sections 376 and 506 IPC, registered at Police Station Sadar, Ahmedgarh, District Malerkotla, Punjab.

Learned counsel for the petitioner submits that the petitioner is a doctor and the complainant was his

patient. He submits that the petitioner has been falsely implicated in the matter. It is submitted that the complainant is 47 years old widow lady having 25 years old son. The complainant has levelled allegations against the petitioner that on 09.4.2023, when she expressed her inability to come to the clinic of petitioner for getting treatment, the petitioner picked her up from Village Kup in his car and in the way after forcing her to consume alcohol, he took her out of the car towards bushes and exploited her physically. Learned counsel submits that firstly, there is delay of four days in registration of the FIR as the alleged occurrence is stated to be of 09.4.2023 and the FIR was registered on 12.4.2023. Secondly; after registration of the FIR, the complainant moved her affidavit (duly notarized) deposing therein that due to negligence and mental disturbance because of consumption of heavy dose of medicines, she named the petitioner in the FIR.

Notice of motion for 03.11.2023.

On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of respondent-State.

At this stage, Mr. J.K. Sehrawat, Advocate has put in appearance and filed his Power of Attorney on behalf of complainant, which is taken on record.

In the meantime, the petitioner is directed to

appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated.

4. Learned State counsel on instructions from ASI Harbax Singh has stated 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. Learned counsel appearing on behalf of the complainant states that the complainant has no objection if the present petition is allowed and the order granting interim bail to the petitioner is made absolute.

6. In view of the above, the order dated 19.07.2023 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.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

03.11.2023

jk

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