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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.36284 of 2023 (O&M)

Date of Decision: 18.10.2023

Gaganpreet Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Mohit Sadana, Advocate for the complainant.

Vivek Puri, J. (Oral)

1. On 28.07.2023, the following order was passed:

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No. 0005 dated 29.06.2023 under Section 376(2)(n) IPC registered at Women Police Station Sangrur, District Sangrur.

2. Learned Senior Counsel for the petitioner contends that the petitioner and was acquainted with the prosecutrix since the year 2010 and were on friendly terms. The marriage of the prosecutrix was solemnized in the year 2016 and a son has been born from the wedlock and her marriage ended in divorce in the year 2021. After the marriage of the prosecutrix, the petitioner and prosecutrix again came in contact in the year 2018. Subsequently, the marriage of the petitioner was solemnized on 23.03.2023. On 10.06.2023, the prosecutrix had visited the house of the petitioner and inflicted injuries on the person of wife of the petitioner and in this regard an FIR No.133 dated 10.06.2023 under Sections 452, 323, 427 and 506

and FIR has been lodged as a counter blast to the aforesaid FIR. Furthermore, as per the FIR, the prosecutrix was subjected to rape on many occasions in different hotels. However, during the course of investigation, the allegations in this regard were found to be not substantiated.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Mr. Mohit Sadana, Advocate, has put appearance on behalf of the complainant.

6. Learned counsel for the complainant submits that the petitioner had provoked the prosecutrix to put an end to her marriage, assured to solemnize marriage with her and further to take care of her child, but subsequently wriggled out of the same.

7. Adjourned to 18.10.2023.

8. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined investigation and on conclusion of the investigation, challan has also been presented.

3. Learned State counsel on instructions from ASI-Avtar Singh has not disputed the aforesaid factual aspects and further submits that the 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 petitioners. Accordingly, order dated 28.07.2023 vide which the petitioners have been granted interim bail is made absolute.

5. The present petition is allowed.

18th October, 2023
Sonia Puri

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No