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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37007-2023 (O&M)
Date of Decision : 08.11.2023

Rajwinder Singh @ Raju

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prateek Pandit, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.40 dated 28.02.2022 under Section 363, 366, 376 of Indian Penal Code, 1860 (offence U/s 376 IPC added later) registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. On 31.07.2023 the following order was passed :

“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.40 dated 28.02.2022 under Sections 363, 366 and 376 of the Indian Penal Code, 1860 (Section 376 IPC was added later on) registered at Police Station Sultanpur Lodhi,

District Kapurthala.

Learned counsel for the petitioner would contend that there is no allegation qua the offence under Section 376 IPC against the petitioner and that the only allegation against the petitioner in the FIR as well as in the statement under Section 164 CrPC made by the victim is that the petitioner was accompanying the main accused, namely, Gurpreet Singh, on a separate motorcycle when he (Gurpreet Singh) took away the victim from her house.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab, who is present in Court, accepts notice.

List on 08.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973).”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Jarnail Singh, has submitted that the petitioner has since joined investigation and has 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 31.07.2023 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.
6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE
NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO