

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

216

CRM-M-40028-2022 (O&M)  
Date of Decision: 18.01.2023

Gurinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr.Deepak Singh Saini, Advocate  
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

\*\*\*\*

**JAGMOHAN BANSAL, J. (Oral)**

On 05.09.2022, the following order was passed :-

*“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.146 dated 26.07.2022, registered for offence under Section 376 of the Indian Penal Code, 1860, at Police Station Phase – I, Mohali, District SAS Nagar, Mohali, Annexure P-1.*

*By referring to the photographs and e-mails, Annexure P-2, screen shots of whatsapp chats, Annexure P-3, counsel for the petitioner contends that the petitioner, who is a professional cricketer, has been in consensual physical relationship with the prosecutrix for the last 9 years. He submits that FIR, Annexure P-1, has been registered against the petitioner after he refused to get married to her. Reliance has also been placed by*

*him upon the judgments of Hon'ble Supreme Court in Ansaar Mohammad Versus The State of Rajasthan and another, 2022 LiveLaw (SC) 599 and Mandar Deepak Pawar Versus The State of Maharashtra and another, 2022 Live Law (SC) 649, Annexures P-4 and P-5, respectively.*

*Notice of motion.*

*On asking of the Court, Ms. Ramta Chaudhary, DAG, Punjab accepts notice on behalf of State-respondent No.1. She is assisted by Mr. Sandeep Sharma, Advocate for the complainant, who has filed Power of Attorney, which is taken on record.*

*List on 18.01.2023.*

*The petitioner shall appear before the Investigating Officer at Police Station Phase – I, Mohali, District SAS Nagar, Mohali on 16.09.2022 at 10.00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”*

Learned State counsel on instructions from HC Malkit Singh submits that petitioner has joined investigation on 16.09.2022 and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 05.09.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any

attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

( JAGMOHAN BANSAL )  
JUDGE

18.01.2023  
*anju*

|                           |               |
|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |