

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRA-S-2165-2023

Date of Decision: 07.11.2023

KULWINDER SINGH @ LAKHI FAUJI

... APPELLANT

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Deepak Aggarwal, Advocate
for the appellant.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. On 10.08.2023, the following order was passed:-

“1. Petitioner has assailed the order dated 05.07.2023 passed by the Court of learned Additional Sessions Judge, Fast Track, Special Court, Sirsa vide which application for anticipatory bail in the case bearing FIR No.384 dated 09.06.2023, under Sections 376(2)(n) IPC and (Section 3 (W)(V) W (ii) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on), registered at Police Station City Sirsa, District Sirsa has been dismissed.

2. Learned counsel for the petitioner contends that the prosecutrix is a married lady and the allegations are to the effect that the petitioner had developed physical relationship with her on the false pretext of marriage. There is no allegation in the FIR to the effect that the petitioner had refused to solemnize marriage on account of caste of the prosecutrix. The offence under Sections 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been added at a subsequent stage as a result of afterthought. There is unexplained delay of 07-08 months in lodging the FIR.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf the respondent-State and time to submit the status report in the instant case.

5. On his request, adjourned to 07.11.2023.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be on interim bail on furnishing bail

bonds to the satisfaction of the Officer subject to the condition that he joins the investigation and with other conditions as specified under Section 438(2) Cr.P.C.”

2. Reply by way of affidavit of Deepti Garg, Assistant Superintendent of Police, Sirsa on behalf of respondent-State has been placed on record.
3. Learned counsel for the appellant submits that in pursuance of interim directions issued by this Court, the appellant has joined the investigation.
4. Learned State counsel also submits that as per contents of para 9 of the reply, the appellant has joined the investigation.
5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the appellant. Accordingly, order dated 10.08.2023, vide which the appellant has been granted interim bail, is made absolute.
6. Appeal is allowed.

07.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No