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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41478-2022 (O&M)

Date of Decision:- 16.01.2023

JASPREET SINGH @ JAS

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Munish Gulati, Advocate for the petitioner.
Mr. Mohinder Singh Joshi, Additional A.G. Punjab.
Mr. J.S. Lalli, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Jaspreet Singh @ Jas has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.165 dated 22.07.2022 under Sections 376 IPC registered at Police Station Focal Point District Ludhiana.

The facts of the case are that the prosecutrix gave her statement to the police that she was doing packing work in Monti Carlo Show Room, Ludhiana for the last 5 years where she came in contact with Jaspreet @ Jas. They became friendly and used to talk with each other. About 2 years ago, he took her to his house where she was offered cold drink by his mother. After consuming cold drink she felt intoxicated. She became unconscious. When she regained consciousness she felt that something wrong was done with her. The mother of Jaspreet assured that their marriage will be performed. Thereafter she was again raped by Jaspreet @

Jas by taking her in a room near Pippal Chowk Giaspura, Ludhiana. On 20.07.2022 she was unwell and went to Kohinoor Hospital Ludhiana to take medicine. She disclosed about this fact to Jas who visited the Hospital. She was taken near a Liquor Shop at Aarti Chowk where her father was called. Jaspreet refused to marry her. Ultimately the matter was reported to the police and the present FIR has been registered.

Counsel for the petitioner pointed out that as per the affidavit filed by the prosecutrix they have performed marriage. The copy of Anand Karaj Certificate along with photographs are placed on record. Even otherwise he was granted interim bail and has joined the investigation. It is prayed that the interim bail order may kindly be confirmed.

Counsel representing the State has placed on record the status report confirming the fact that the petitioner has joined the investigation on 17.11.2022. After completion of investigation challan is also presented. However, the charge is yet to be framed.

I have considered the arguments and have gone through the record carefully. As per the facts referred above the prosecutrix had levelled allegations of rape against the petitioner. However, both the parties have performed marriage. The marriage certificate of Gurudwara and the photographs are also placed on record. Even otherwise the petitioner has joined the investigation. After the completion of investigation, challan is already presented in the Court. The case before the trial Court will be decided on merits.

Considering the aforesaid facts, no purpose would be served by sending the petitioner behind the bars, therefore, the interim bail already granted vide order dated 09.11.2022 stands confirmed as per conditions

specified u/s 438 (2) Cr.P.C.

The petition is, accordingly, disposed of.

16.01.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No