

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-39792-2023

Date of Decision: 06.10.2023

Sajan Singh @ Kana

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Manpreet Kaur, Advocate for
Mr. Angel Walia, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Rishab Goyal, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition seeking pre-arrest bail in FIR No. 48 dated 10.05.2023 (Annexure P-1) registered under Sections 376, 506 and 120-B IPC at Police Station Sultanwind, Amritsar.

On 16.08.2023, this Court had passed the following order :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.48 dated 10.05.2023 under Sections 376, 506 and 120-B of IPC, registered at Police Station Sultanwind, Amritsar (Annexure P-1).

As per the statement of the complainant, on 09.05.2023 at about 10.00 PM, the present petitioner along with co-accused Simranjeet Singh @ Simma came to the house of the complainant and took her husband to the market, after about 10 minutes, the petitioner entered the house of the complainant after jumping of the wall and committed rape upon the complainant/prosecutrix.

Learned counsel for the petitioner submits that the prosecutrix is a married woman of 26 years of age. He further submits that no medical examination of the complainant was conducted after the alleged rape. Now the matter stands compromised between the complainant and the accused persons vide compromise affidavit dated 14.06.2023 (Annexure P2) whereby the complainant has stated as under :-

"3. That now with the intervention of the respectable and relatives matter has been compromised with Sajjan @ Kanna and Simranjeet Singh @ Simma and no there is no misunderstanding. I don't want to take any action against the nominated person Sajjan @ Kanna and Simranjeet Singh @Simma. I have no objection if the present FIR was cancelled or acquitted. I am ready to record my statement where the same was required for cancelation and I am bound by the same."

Notice of motion.

On the asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondent- State.

Mr. Rishab Goyal, Advocate has put in appearance on behalf of respondent No.2 and filed his Vakalatnama, the same is taken on record.

Adjourned to 06.10.2023.

In the meantime, the petitioner is directed to appear before the SHO Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- 1. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- 2. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- 3. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing."

Learned counsel for the petitioner submits that in

compliance of the order dated 16.08.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Angrej Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 16.08.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

06.10.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No