

**In the High Court of Punjab and Haryana at Chandigarh**

**208**

**CRM-M-42033 of 2022**

**Date of Decision: 10.1.2023**

**Kuljeet Singh @ Karan**

**---Petitioner**

**versus**

**State of Punjab**

**---Respondent**

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

Present: Mr.Veneet Sharma, Advocate  
for the petitioner

Mr. Amish Sharma, AAG, Punjab

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

On 14.9.2022, following order was passed:-

*“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.77, dated 16.07.2022, under Section 376 IPC, registered at Police Station Shimlapuri, Ludhiana City, District Ludhiana.*

*It has been contended by counsel for the petitioner that petitioner and the prosecutrix both are of the age of majority. He submits that relationship between the petitioner and the prosecutrix was consensual in nature, however, thereafter on account of some differences between them, the present FIR has been lodged by the prosecutrix on the basis of the allegations that the petitioner established physical relations with her on the promise of marriage. He further submits that petitioner is 21 years of age whereas the prosecutrix*

*is 34 years of age. He has submitted that on the basis of allegations, no offence under Section 376 IPC is made out as relationship between the petitioner and the prosecutrix was consensual in nature and hence consent of the prosecutrix cannot be said to have been obtained on the basis of misconception of facts. He has relied upon Pramod Suryabhan Pawar vs The State of Maharashtra and others (2019) 9 SCC 608.*

*Issue notice of motion.*

*On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.*

*List on 10.01.2023.*

*In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-*

*“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;*

*(ii) 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 from disclosing such facts to the Court or to any police officer;*

*(iii) That the petitioner shall not leave India without prior permission of the Court.”*

*State is directed to file status report on or before the next date of hearing.”*

Learned State counsel on instructions from ASI Jagpal Singh submits that petitioner has joined investigation 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 14.9.2022 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.

**( JAGMOHAN BANSAL )**  
**JUDGE**

**10.1.2023**  
*paramjit*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No