

216-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-41184-2023 (O&M)  
Date of Decision : 08.11.2023

Rameshwar Singh

..... Petitioner

Versus

The State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Madan Sandhu, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

**ALKA SARIN, J. (ORAL)**

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.40 dated 28.02.2022 under Section 363, 366 of Indian Penal Code, 1860 (offence U/s 376 IPC added later vide DDR No.03 dated 12.03.2022) registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. On 04.09.2023 the following order was passed :

*“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) for grant of anticipatory bail to the petitioner in FIR No.40 dated 28.02.2022 under Sections 363, 366 of the Indian Penal Code, 1860 (IPC) and Section 376 IPC (added later on)*

*vide DDR No.03 dated 12.03.2022 registered at Police Station Sultanpur Lodhi, District Kapurthala.*

*Learned counsel for the petitioner would contend that similarly situated co-accused Rajwinder Singh @ Raju has been granted the concession of anticipatory bail in CRM-M-37007-2023 vide order dated 31.07.2023. The learned counsel would further contend that there are no allegations qua the offence under section 376 IPC against the petitioner and the only allegation against the petitioner in the FIR as well as in the statement of the victim under Section 164 CrPC is that the petitioner was accompanying the main accused Gurpreet Singh on a separate motorcycle when Gurpreet Singh took away the victim from her house.*

*Notice of motion.*

*Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of the respondent-State of Punjab.*

*List on 08.11.2023 along with CRM-M-37007-2023.*

*Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall*

*also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”*

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Jarnail Singh has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 04.09.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.11.2023

Yogesh Sharma

( ALKA SARIN )

JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO