

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-44062-2022

Date of Decision: 23.01.2023

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Raman Kumar, Advocate for
Mr. Rajeev K. Kapila, Advocate for the petitioner
Mr. Digvijay Nagpal, AAG, Punjab
(assisted by ASI Hansraj)

JAGMOHAN BANSAL, J. (Oral)

On 22.09.2022, the 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.0148, dated 14.06.2022, under Section 366 IPC, registered at Police Station Model Town, District Hoshiarpur.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. She has submitted that the petitioner and the prosecutrix both are of the age of majority and were in consensual relationship. She further submits that both have performed marriage and thereafter family of the petitioner was happy with the marriage whereas family of the prosecutrix were against this relationship. She has submitted that after having performed the marriage, the couple came before this Court seeking protection of their life and liberty by filing CRWP-5913-

2022. She submits that thereafter family of the prosecutrix forcibly took her away from her work place and compelled her to make statement under Section 164 Cr.P.C. on the basis of which petitioner is being harassed. She submits that from the facts and circumstances, no offence, as alleged is made out against the petitioner as both the petitioner and the prosecutrix were in consensual relationship. It is further submitted that in view of the above mentioned facts, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 23.01.2023.

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

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.”

Status report dated 23.01.2023 by way of affidavit of Palwinder Singh, Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur filed by learned State counsel is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel, on instructions from ASI Hansraj, submits that learned Additional Sessions Judge, Hoshiarpur vide order dated 06.09.2022 granted concession of interim bail and petitioner joined investigation on 10.09.2022, however, learned Additional Sessions Judge, Hoshiarpur, vide order dated 16.09.2022 dismissed petition of the petitioner. He further submits that in compliance of order dated 22.09.2022 of this Court, the 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 22.09.2022 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.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

23.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>