

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44379-2023 (O&M)
Date of Decision : 05.09.2023

Jaspreet SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anoop Verma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Ms. Tanisha, Advocate for the complainant.

-.-

ALKA SARIN, J. (Oral)

1. Learned counsel for the State has pointed to the judgment of the Supreme Court in **Pradeep Ram Vs. The State of Jharkhand & Anr. [2019 (17) SCC 326]** wherein it has been held as under :

“xxxxx xxx xxx xxx

31.4 In case where an accused has already been granted bail, the investigating authority on addition of an offence or offences may not proceed to arrest the accused, but for arresting the accused on such addition of offence or offences it need to obtain an order to arrest the accused from the Court which had granted the bail.”

2. Learned State counsel has further referred to the order dated 24.08.2023 wherein while disposing off the application under Section 216 CrPC the Court concerned has held as under :

“However, after the filing of the present application, accused Jaspreet Singh moved an application under Section 438 Cr.P.C which was disposed of by the Court of Mrs. Rajwinder Kaur, Learned Judge Special Court-cum-Additional District & Sessions Judge-cum-Fast Track Court exclusively dealing with rape case, Ferozepur vide order dated 31.07.2023 while issuing direction that in case Trial Court forms an opinion with regard to the alteration/addition of charge under Section 376, 313 IPC, then in that event of arrest of Jaspreet Singh qua the newly added Sections 376, 313 IPC, five days time be given to him. In view of the above order, accused Jaspreet Singh is not being taken into custody and he is apprised about the present order and is given time till 31.08.2023 to avail remedy with regard to above finding of this Court that he has prima-facie committed an offence under Section 376 IPC and the present case is liable to be committed to the Court of Learned Sessions Judge, Ferozepur. Now to come up on 31.08.2023 for awaiting appearance/surrender of

accused Jaspreet Singh in the Court after availing the remedy as per order dated 31.07.2023 passed by the Court of Mrs. Rajwinder Kaur, Learned Judge Special Court-cum-Additional District & Sessions Judge-cum-Fast Track Court exclusively dealing with rape cases, Ferozepur.”

3. In view of the above and in view of the fact that the charges are yet to be framed qua the section added later, learned counsel for the petitioner seeks permission to withdraw the present petition at this stage with liberty to avail his remedies as available in law.
4. Dismissed as withdrawn with the liberty aforesaid. Pending applications, if any, also stand disposed off.

September 05, 2023
tripti

(ALKA SARIN)
JUDGE

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