

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

201

CRM-M-47436-2022

Date of Decision: 09.02.2023

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jitender Singh Dadwal, Advocate, for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Kuldeep Singh)

Mr. D.P.S Bajwa, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

Mr. D.P.S Bajwa, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag at an appropriate place

On 17.10.2022, the following order was passed:-

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case after consensual relations between the petitioner and the complainant turned sour; the petitioner has no other criminal antecedents; even if the case of the prosecution of sexual relations between the petitioner and the complainant is accepted as the truth though vehemently denied, such relations being between 02 persons having attained majority would not attract applicability of Section 376 IPC; there is no medical evidence to back the offence of rape or the alleged abortion caused by the petitioner; there is also no

forensic evidence to back the allegations of rape; the allegations that the petitioner exploited the prosecutrix on the pretext of marriage are also false and in any case, even if accepted though vehemently denied, would not bring the case of the prosecution under Section 376 IPC and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr.Navneet Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 09.02.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.57, dated 15.09.2022, registered under Sections 376, 312, 506 IPC at Police Station Kacha Pacca, District Tarn Taran, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Learned State counsel, on instructions from ASI Kuldeep Singh, submits that petitioner has already 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 17.10.2022 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

09.02.2023
Mohit Kumar

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