

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-49715-2023 (O&M)

Date of Decision : 22.12.2023

Raman Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Japjit Singh Johal, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. Navjot Narang, Advocate with
Respondent No.2 - Sumanjeet Kaur - in person.

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.66 dated 12.07.2023 under Sections 376, 450, 506 of the Indian Penal Code, 1860 registered at Police Station Gardhiwala, District Hoshiarpur.

2. On 03.10.2023 the following order was passed :

“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.66 dated 12.07.2023 under Sections 376, 450, 506 of the Indian Penal Code, 1860 registered at Police Station Gardhiwala, District Hoshiarpur.

Learned counsel for the petitioner would contend that

the petitioner and the complainant, who is 26 years old, were in a consensual relationship for about six years. The first time they met was in the year 2017. It is further the contention that earlier two complaints dated 03.03.2023 (Annexure P-2) and dated 09.03.2023 (Annexure P-3) were given both of which were found to be false. It is further contended that in both these complaints there was no allegations of rape having been committed and rather both the complaints stated that the accused's family had clearly refused for the marriage and subsequently the accused had refused to marry the complainant. The learned counsel for the petitioner has further pointed out that in the present FIR the allegations of rape are dated 08.04.2019 and dated 19.02.2023, however, there is no mention of the said incidents in the complaints Annexures P-2 and P-3 and moreover the petitioner was in Rajasthan at the relevant point of time. In support of the said fact the petitioner has placed on record a copy of booking receipt of the City Palace Museum, Udaipur which is in the name of the present petitioner.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Mr. Mitul Singh Rana, Advocate puts in appearance on behalf of

the complainant. On the oral request of learned counsel for the complainant, the complainant is impleaded as respondent No.2.

The Registry to carry out the requisite changes in the memo of parties. Mr. Mitul Singh Rana, Advocate has also accepted notice on behalf of respondent No.2.

Learned State counsel, on instructions from ASI-Satpal Singh, has pointed out that at the time of lodging of the present FIR the complainant had not brought to the notice of the police the two complaints which were earlier filed by the complainant before the Women Cell and were found to be false.

List on 22.12.2023.

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

Balwinder 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 03.10.2023 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.

22.12.2023
Deepak patwal

(ALKA SARIN)
JUDGE

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