

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60421-2022 (O&M)

Date of Decision: 24.02.2023

ABHAY SINGH RANA

..... Petitioner

Versus

STATE OF UT CHANDIGARH

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P. U.T. Chandigarh for
Mr. A.M. Punchhi, PP U.T. Chandigarh
assisted by SI Jai Bhagwan.

Mr. Bipan Ghain, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Parbhdeep S. Bindra, Advocate and
Mr. Malini Singh, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 13.01.2023 following order was passed:

“On 23.12.2022, following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 165 dated 21.11.2022 under Sections 376 and 420 IPC registered at Police Station Sector 34, Chandigarh.

Learned counsel for the petitioner contends that the petitioner as well as prosecutrix are aged about 28 years. The roka ceremony was performed in October, 2020 and the engagement ceremony was performed on 05.11.2022. The date of marriage was fixed as 08.12.2022. However, the prosecutrix has levelled false and vague allegations to the effect that

the mother of the petitioner had been raising demand of dowry. In fact, the family of the petitioner has spent a sum of Rs.8 lac at the time of engagement ceremony. The physical relations were developed with the consent of the prosecutrix. The prosecutrix had been sending obnoxious messages and has backed out from the marriage.

Notice of motion.

Mr. A.M.Punchhi, PP for U.T.Chandigarh, accepts notice on behalf of the respondent-State.

Mr. Bipan Ghai, Senior Advocate with Mr. Nikhil Gupta, Advocate, has appeared on behalf of the complainant.

Learned State counsel as well as Learned senior counsel for the complainant contend that the petitioner had been uploading the obscene photographs of the prosecutrix on social media. The mobile phone of the petitioner is yet to be recovered. Even, there are chats to indicate that the mother of the petitioner had been asking the petitioner to use and throw the prosecutrix.

An adjournment has been requested to get the detail instructions and submit the reply.

Adjourned to 13.01.2023.

Reply be filed in the meanwhile.”

Reply dated 13.1.2023 of Charanjit Singh Virk, Deputy Superintendent of Police, SDPO, South, UT, Chandigarh on behalf of respondent is taken on record. Registry is directed to tag the same at appropriate place.

Adjourned to 24.2.2023.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab***

Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, age, qualification and Whatsapp messages of prosecutrix which are not disputed by learned counsel for State and complainant, at the first instance, the petitioner is directed to appear before investigation officer on 20.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Learned State counsel submits that petitioner has joined investigation and recovery of mobile phone & car stand effected and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 13.01.2023 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

24.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>