

216/2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DATE OF DECISION : 07.03.2024

1.

CRM-M-5012-2024 (O&M)

KARNAIL SINGH

V/S

STATE OF PUNJAB AND ANOTHER
- ... PETITIONER

... RESPONDENTS
2.

CRM-M-5700-2024 (O&M)

MANDEEP SINGH AND OTHERS

V/S

STATE OF PUNJAB AND ANOTHER
- ... PETITIONERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioners
in both the petitions.

Mr. Adesh Pal Singh, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1.

The present petitions have been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner(s) in the event of their
appearance before the learned Court below in complaint case No.
COMI/100/2016 dated 31.07.2014 under Sections 376, 323, 341 and 506
IPC registered on the basis of protest petition dated 31.07.2014 filed by
respondent No.2 in case FIR No.19 dated 15.01.2013 registered under
Sections 363, 376, 377, 323, 506 and 120-B IPC at Police Station Tripuri
Town, District Patiala;
2.

On 31.01.2024 following order was passed in CRM-M-5012-

2024:

“Learned counsel for the petitioner inter alia contends that after the registration of the FIR against the petitioner and the co-accused of the petitioner regarding allegations of rape, prosecutrix gave an affidavit (Annexure P-2) that the accused has apologized to him and only a quarrel took place between the accused and the complainant and nothing else happened as such cancellation report (Annexure P-3) was filed by the investigating agency. However the Area Magistrate ordered for reinvestigation. Thereafter again, the cancellation report was filed by the investigating agency (Annexure P-3). Second cancellation report was not accepted by the Area Magistrate since a protest petition (Annexure P-4) was filed by the complainant which has been treated as a criminal complaint and summoning order dated 05.08.2023 (Annexure P-5) has been passed, whereby the petitioner has been summoned to face the trial. The petitioner is ready to appear before the trial court.

Notice of motion.

On advance notice, Ms. Himani Arora, AAG, Punjab, appears on behalf of the State and seeks time to file status report.

Notice to respondent No.2 be issued for 07.03.2024, returnable on 07.03.2024.

In the meanwhile, the petitioner is directed to appear before the Trial Court within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the Trial Court, subject to furnishing bonds/surety, and also subject to the following conditions. xxxx”

3. Learned counsel for the petitioner in CRM-M-5012-2024 contends that the petitioner has appeared before learned Judicial Magistrate First Class, Patiala on 08.02.2024 and has been released on bail in compliance of the order passed by this Court and the case has been committed to the Court of Sessions. Copy of the order dated 08.02.2024 and the Commitment order dated 29.02.2024 has been submitted in the Court and the same is taken on record.

4. As per the order dated 02.02.2024, petitioners Mandeep Singh, Chamkaur Singh and Gurdeep Singh in CRM-M-5700-2024 were ordered to surrender before the learned trial Court and were granted interim bail in

terms of the order dated 31.01.2024 passed in CRM-M-5012-2024. All the petitioners have joined the investigation in compliance of the order passed by this Court.

5. Learned State counsel has confirmed the aforesaid fact.

6. In view of the aforesaid facts and the reasons recorded in the order dated 31.01.2024 and keeping in view the fact that the petitioners have joined investigation, their custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 31.01.2024 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

07.03.2024

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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No