



CRM-M-6621-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6621-2024
DATE OF DECISION: 14.05.2024

KARTIK

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: - Ms. Srishti S. Sharma, Advocate
Mr. Gaurav Datta, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

.....

SUMEET GOEL, J (ORAL)

Status Report by way of affidavit of Simranjit Singh, PPS, Deputy Superintendent of Police, Zirakpur, District SAS Nagar on behalf of respondent No.1 i.e. State of Punjab has been filed in Court today, and the same is taken on record. A copy thereof has been supplied to the learned counsel for the petitioner.

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 398 dated 07.09.2022, registered for offences under Sections 376(2)(n), 323, 120-B and 506 of the IPC, at Police Station Zirakpur, District S.A.S. Nagar, Mohali.

2. On 08.02.2024, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.398 dated 07.09.2022 registered at Police Station Zirakpur, District S.A.S.Nagar, Mohali under Sections 376(2)(n), 323, 120-B and 506 IPC.

Learned counsel for the petitioner inter alia contends that as per Marriage Certificate (Annexure P-4) petitioner got married with the



complainant on 03.09.2022 despite that present FIR has been lodged with the allegation that the petitioner has made physical relation on the pretext of marriage. The petitioner had already joined investigation in pursuance to the order passed by the Trial Court. However, later on the said application was dismissed.

Notice of motion.

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

Adjourned to 06.03.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned State counsel, on instructions from ASI Nirmal Kaur, has stated that pursuant to the order dated 08.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. It has been further submitted on behalf of learned State Counsel that Challan (Report under Section 173 of Cr.P.C.) is also been filed.

4. In view of above, the present petition stands allowed and the interim order dated 08.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.



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7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

14.05.2024
mahima

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No