

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

208

**CRM-M-7206 of 2023 (O&M)
DATE OF DECISION :- 19.03.2024**

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ranjit Singh Sidhu, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

None for the complainant.

SUMEET GOEL, J. (Oral)

1. On 01.03.2023, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.386 dated 09.12.2022, under Sections 376 and 380 of IPC, registered at Police Station Derabassi, District SAS Nagar (Mohali).

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, assisted by ASI Ashok Kumar, accepts notice on behalf of the respondent-State. Mr. M.S. Bhatti, Advocate, assisted by Mr. Ram K. Dhiman, Advocate, has put in appearance on behalf of the complainant.

Vide order dated 10.02.2023, a specific query had been put to the counsel for the prosecutrix as to what was the reason or occasion for the petitioner to have gone to the house of the prosecutrix which was not answered. The said query still remains unanswered, however, the counsel for the prosecutrix has submitted that the petitioner is still threatening the prosecutrix by calling her from the mobile of his wife.

The said contention is vehemently opposed by the counsel for the

petitioner, as he submits that the alleged date of these calls, which apparently have been made by the wife of the petitioner, even taken on its face value, do not demonstrate that any threat has been caused. Nonetheless, at this stage, the same cannot be commented upon and no opinion can be expressed.

Adjourned to 22.05.2023.

In the meanwhile, the petitioner shall join investigation on 09.03.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

It is made clear that in case the petitioner or his wife or any other third person is found trying to communicate with the prosecutrix or any of her family members/friends, henceforth, the interim bail shall be considered to be cancelled.”

2. Learned State counsel, on instructions from ASI Ashok Kumar, has stated that pursuant to the order dated 01.03.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. In view of above, the present petition stands allowed and the interim order dated 01.03.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. 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.
5. 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.

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

19.03.2024

P.Singh

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No