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**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-10472-2021 (O&M)
DATE OF DECISION : 20.05.2024****PRITAM SINGH****... PETITIONER****V/S****STATE OF HARYANA****... RESPONDENT****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Govind Chauhan, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

Mr. M.S.Rana, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.74 dated 28.11.2020 under Sections 376, 506 IPC, registered at Police Station Palwal, District Palwal, Haryana.

2. On 05.03.2021 following order was passed:

“Learned counsel for the petitioner prays for grant of anticipatory bail while arguing that the petitioner has been falsely implicated and the allegations of Section 376 IPC would not be made out. He in fact is ready to furnish his DNA samples in terms of Section 53-A of the Code of Criminal Procedure.

Notice of motion for 09.09.2021.

Mr. P.P. Chahar, D.A.G. Haryana, who is present in Court, accepts notice on behalf of the respondent-State and seeks time to have instructions.

Mr. Ashish Sanghi, Advocate, has put in appearance on behalf of the complainant and opposed the grant of anticipatory bail.

In view of the facts and circumstances as also the fact that



the petitioner who denied having committed the offence under Section 376 IPC is ready to furnish his DNA samples, it is deemed appropriate to stay the arrest of the petitioner limited to the DNA report being furnished. The petitioner is directed to appear before the Investigating Officer on 31.03.2021 to enable the prosecution to collect DNA samples.”

3. On 20.04.2023 following order was passed:

“xxxx Learned State counsel submits that the DNA report is still awaited.

Adjourned to 03.08.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C. .”

4. State has filed the status report by way of affidavit of Naresh Kumar, HPS, Deputy Superintendent of Police, Palwal and relied upon the DNA report (Annexure R-4) that the same is not against the petitioner.

5. Learned counsel for the petitioner contends that the petitioner has even joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court.

6. Learned State counsel has confirmed that the petitioner has joined the investigation and she further informs that custodial interrogation of the petitioner is not required.

7. Learned counsel appearing on behalf of complainant has not raised any objection if the present petition is allowed.

8. In view of the aforesaid facts and the reasons recorded in the orders dated 05.03.2021 and 20.04.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not

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required by the Investigating Agency, the present petition is allowed and the order dated 20.04.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

20.05.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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