

CRM-24361-2024 in/and
CRM-M-10597-2024

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2024:PHHC:081249



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-24361-2024 in/and
CRM-M-10597-2024

Date of Decision: 01.07.2024

Parminder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Yashasvi Kapila, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

CRM-24361-2024

Prayer in the instant petition filed under Section 482 Cr.P.C.
is for impleading complainant-Manpreet Kaur W/o Lakhwinder Singh
(brother of the petitioner) as respondent No. 2 in the present case.

Heard.

For the reasons mentioned in the application, the same is
allowed and complainant-Manpreet Kaur is hereby impleaded as
respondent No. 2. Amended memo of parties filed along with the
application is taken on record.

CRM-M-10597-2024

At the oral request of learned counsel for the petitioner, the
date of hearing in the main case is preponed from 05.08.2024 to today



and the same is taken up for hearing.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 02 dated 1.01.2024 registered under Sections 376 and 506 IPC at Police Station Begowal, District Kapurthala, Punjab.

On 29.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this first petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.02 dated 21.1.2024 (Annexure P-1), under Sections 376 and 506 IPC, registered at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioner inter alia submits that the petitioner is brother-in-law/Jeth of the complainant/victim. It is submitted that the alleged date of incident is 31.8.2022; whereas FIR has been registered on 21.1.2024 i.e. after an unexplained delay of almost 1-½ years. It is submitted that the allegations made in the FIR are utterly false and fabricated as against the same allegations, the petitioner has been investigated twice and has been exonerated by the Senior Superintendent of Police (Investigation), Kapurthala, vide report dated 01.10.2022 (Annexure P-4) and also by the Deputy Superintendent of Police, Sub Division Kapurthala, vide report dated 13.10.2023 (Annexure P-6).

Learned counsel submits that the husband of the complainant/brother of the petitioner, lives abroad and the complainant is wanting to get divorce from her husband and therefore implicated the petitioner in an utterly false case in order to extract money from the family. It is also submitted that earlier also the complainant had filed a similar complaint in the year 2020 against her husband, whereupon a Panchayat was convened and a settlement was reached between the parties, in which it was decided that brother of the petitioner/husband of the complainant will pay her Rs.20,000/- per month, which is being done till date. Accordingly, learned counsel prays for grant of concession of anticipatory bail to the petitioner.

Notice of motion.

On asking of the Court, Ms. Aakanksha Gupta, AAG, Punjab accepts notice on behalf of respondent No.1-State



and on instructions from ASI Baljinder Singh, she submits that very serious allegations have been made in the FIR. Learned counsel for the State further submits that concerned police investigating official had gone to the house of the petitioner, which was found locked and petitioner was not found available.

This Court has perused the FIR in question (Annexure P-1) and it is alleged at page 9 of the paper book against the petitioner that the petitioner had gone to the house of the complainant and seeing her alone, dragged her to the bedroom and forcibly raped her.

In view of the above, the petitioner is directed to join the investigation, whereupon no coercive action shall be taken against him.

Adjourned to 05.8.2024 for filing of status report from the respondent-State of Punjab.”

Learned counsel for the petitioner submits that in compliance of the order dated 29.02.2024, passed by this Court, the petitioner has joined the investigation.

On instructions from ASI Baljinder Singh, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 05.03.2024; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the interim order dated 29.02.2024, passed by this Court directing the petitioner to join the investigation, whereupon no coercive action shall be taken against the petitioner is made absolute, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating 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/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No