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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11910-2023 (O&M)

Date of Decision: 09.02.2024

MANMEET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Bansal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0098 dated 02.06.2022, under Sections 376 and 506 IPC, registered at Police Station Sadar, Ludhiana, District Police Commissionerate Ludhiana, Punjab.
2. On 13.10.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0098 dated 02.6.2022, under Sections 376 and 506 IPC, registered at Police Station Sadar, Ludhiana, District Police Commissionerate Ludhiana, Punjab.

Learned counsel for the petitioner inter alia submits that the petitioner and the complainant/prosecutrix were in consensual relationship and were classmates. It is submitted that the complainant/prosecutrix was 19 years and the petitioner was 20 years of age at the time of incident i.e. 28.5.2022. It is further submitted that as per the FIR, the date of alleged incident is 28.5.2022, however, the FIR has been registered after an explained delay of five days i.e. on 02.6.2022. Learned counsel further states that petitioner is ready to join the investigation and undertakes to cooperate in the same, and therefore prays that the concession of anticipatory bail be granted to the

petitioner.

Learned State counsel submits that in the present case FSL report has been received, which is in negative. He submits that as per DNA Report human semen was not detected on the exhibits submitted by the prosecutrix. However, learned State counsel seeks time to file the detailed status report alongwith the reports of said FSL and the DNA.

Adjourned to 29.1.2024 to enable the learned State counsel to do the needful.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency 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.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any and the reports of the FSL and the DNA on or before the next date of hearing.”

3. Learned State counsel, on instructions from SI Satwinder Singh, has stated that pursuant to the order dated 13.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 13.10.2023 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 interpreted as 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.

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

09.02.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No