

2024:PHHC:040781

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

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CRM-M-12237-2024

Date of decision: 21.03.2024

MILAPDEEP SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sunil Chandha, Senior Advocate with
Mr. Hanspuneet Singh & Mr. Raghav Chadha, Advocate,
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Karan Bhardwaj, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.01 dated 25.01.2024, registered for the offences punishable under Section 376 of IPC at Police Station Women, District Police Commissionerate, Amritsar.

2. On 07.03.2024, the following order was passed:-

“Apprehending his arrest in FIR No.1 dated 25.01.2024 registered for offence punishable under Section 376 IPC at Police Station Women, District Police Commissionerate Amritsar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner and the victim/complainant were earlier in a consensual relationship which fell apart due to supervening circumstances; earlier also disputes had arisen between the petitioner and the complainant/victim which were settled and reliance has been placed upon statements given by the

victim in this regard (copies of these statements have been appended with the petition as Annexures P-3 and P-4); a compromise earlier has been arrived at between the rival parties on 22.11.2023 (copy whereof has been appended as Annexure P-5) & petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. Mr. Jasbir Singh Mohri, Advocate appears and files vakalatnama on behalf of complainant. The same is taken on record.

Adjourned to 21.03.2024.

The petitioner is directed to appear before the Investigating Officer on 12.03.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Jaswinder Pal Singh, has stated that pursuant to the order dated 07.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has argued that the petitioner ought not to be extended the concession of anticipatory bail as there are chances of the petitioner threatening the complainant in case he be extended the concession of anticipatory bail. Learned counsel has further argued that the allegations raised against the petitioner are extremely

serious in nature & hence he does not deserve the concession of anticipatory bail.

5. In view of above, the present petition is allowed and interim order dated 07.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

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

(SUMEET GOEL)
JUDGE

March 21, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No