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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14365-2024 (O&M)
Date of Decision: 29.04.2024

KULWINDER SINGH ALIAS DIMPLE

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. R.K. Manaise, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Manoj R. Sharma, Advocate
for respondent No.2.

...

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. 13 dated 25.02.2024 registered for offences punishable under Sections 365, 376 and 506 IPC at Police Station Purana Shalla, District Gurdaspur
2. On 20.03.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 13 dated 25.02.2024 registered for offences punishable under Sections 365,376,506 IPC at Police Station Purana Shalla, District Gurdaspur; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner and the complainant/victim were in a consensual relationship and the FIR in question is outcome of the fall out of such relationship; the complainant along with petitioner had filed a protection petition (CRWP No. 776 of 2023) before this Court; petitioner already stands granted the concession of anticipatory bail in FIR No. 142 dated 02.08.2023 registered for offences punishable under Sections 366,120-B of IPC at Police Station Dinanagar, District Gurdaspur vide order dated 01.09.2023

passed by Additional Sessions Judge, Gurdaspur & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 16.04.2024.

The petitioner is directed to appear before the Investigating Officer on 26.03.2024 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 has filed today in the Court a status report by way of affidavit of Sukhwinder Pal Singh, PPS, Deputy Superintendent of Police, Dinanagar, District Gurdaspur. The same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

4. Learned State counsel, on instructions from ASI Jai Singh, has stated that pursuant to the order dated 20.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation except for recovery of the vehicle used in the commission of crime.

5. In the considered opinion of this Court, the anticipatory bail of the petitioner ought not to be rejected only on the ground of non-recovery of the vehicle allegedly used in the commission of crime especially when the petitioner is stated to be co-operating with the Investigating Agency on all other counts.

6. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

7.

In view of above, the petition is allowed and interim order dated 20.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
8.

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.
9.

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.
10.

Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
11.

Pending application(s), if any, shall also stand disposed off.

29.04.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned

Whether reportable

Yes No

Yes No