



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

306

CRM-M-15849-2024 (O&M)

Date of Decision: 03.09.2024

GURSAB SINGH @ GURSAAB SINGH @ SABA**...Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present:- None for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.103 dated 11.09.2022, under Section 376 IPC, 1860, registered at Police Station Bhikhiwind, Tehsil Patti, District Tarn Taran.
2. On 11.07.2024, this Court passed the following order and directed the petitioner to join the investigation:

‘1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 103, dated, 11.09.2022, registered at Police Station Bhikhiwind, Tehsil Patti, District Tarn Taran, under Section 376 of the IPC.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated due to political rivalry. The prosecutrix is major and even the matter stands compromised between the parties. The prosecutrix has executed a duly sworn affidavit (Annexure P-3) which has been attested by the Executive Magistrate and even signed by the ‘Sarpanch’ of the ‘Gram Panchayat’.

3. Notice of motion.

4. On advance notice, Ms. Himani Arora, A.A.G., Punjab appears on behalf of the respondent-State and upon instructions from ASI Rajpal Singh, has informed that the prosecutrix has supported her case in the statement recorded under Section 164 Cr.P.C. and seeks time to verify about the aforesaid affidavit (Annexure P-3) and also seeks time to file reply.

5. Adjourned to 03.09.2024.



6. In the meanwhile, in the event of the arrest of the petitioner, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-
- (i) That the petitioner shall further make himself available for interrogation by a police 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 from disclosing such facts to the Court or to any police officer.
 - (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.
7. The investigating officer shall also inform the prosecutrix about the pendency of the present petition.'

3. Learned State counsel on instructions from ASI Talwinder Singh has informed that the petitioner has joined the investigation in terms of the order dated 11.07.2024 passed by this Court and his further custodial interrogation is not required.

4. In view of the aforesaid facts and the reasons recorded in the order dated 11.07.2024 and keeping in view the fact that the petitioner has joined the investigation; his further custodial interrogation is not required and the allegations and counter-allegations between the petitioner and the complainant are matter of trial, the present petition is allowed and the order dated 11.07.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

5. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

6. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03.09.2024

P.Bhatt

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