



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M No.16599 of 2024

Date of decision: 22.05.2024

DALIP SINGH AND ANOTHER

.... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Manu Loona, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No. 76, dated 22.08.2023, under Section 376 of IPC and offence enhanced under Section 323, 34 and 450 of IPC later on at Police Station Arni Wala, District Fazilka.

2. Vide order dated 05.04.2024, passed by this Court, the petitioners were released on interim bail and were directed to join investigation. Order dated 05.04.2024, passed by this Court, reads as under:-

“Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.76 dated 22.08.2023 registered under Sections 376 of IPC and offence enhanced under Section 323, 34, 450 of IPC later on at Police Station Arni Wala, District Fazilka on the basis of statement recorded by the complainant-R(name withheld) on 22.08.2023 alleging therein that on

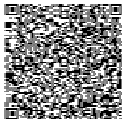


the intervening night of 14/15.08.2023 she along with her son was sleeping in the room of her house whereas her parents-in-law were sleeping in the veranda of the house and her husband and brother-in-law were outside for watering the fields. At about 02.30 AM, accused- Amarjit Singh entered into the house and committed rape upon her. She raised alarm and on hearing her parents-in-law came inside and had a scuffle with the accused-Amarjit Singh. In the meanwhile, her husband and brother-in-law had also come inside. It was further alleged by her that the present petitioner also entered inside their house and had a scuffle with them. After registration of FIR, proceedings have been initiated and investigation is going on. It is submitted by learned counsel for the petitioner that though the allegations of commission of offence punishable under Section 376 IPC are not qua them, no allegation has been made that they have caused any harm to the complainant or any members of her family. His custodial interrogation is not required. They are ready to join the investigation.

Notice of motion.

On asking of the Court Ms. Ruchika Sabherwal, Sr. DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to file reply/status report.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.



Adjourned to 22.05.2024.”

3. Status report dated 22.05.2024 filed on behalf of respondent-State is taken on record. As per this report, the petitioners have joined the investigations on 09.04.2024.
4. The allegations qua committing the offence of rape upon the prosecutrix have been levelled in this case against the co-accused Amarjit Singh and not against the present petitioners. The petitioners have joined the investigation and their custodial interrogation is no more required. As such, I am of the considered opinion that it is a fit case for extending benefit of the pre-arrest bail to the petitioners. Accordingly, without commenting on the merits of the case, the present petition is allowed and the order dated 05.04.2023, granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

22.05.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No