

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CRM-M-17879-2024
Date of decision: 02.05.2024

ADITYA KUMAR

...PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mohit Giri, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Ravi Rana, Advocate
for respondent No.2.

SUMEET GOEL, J.

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.106 dated 02.11.2020, registered for the offences punishable under Section 376 of IPC at Police Station Daba, District Ludhiana.

2. On 16.04.2024, the following order was passed:-

“Apprehending his arrest in FIR No.106 dated 02.11.2020 registered for offence punishable under Section 376 IPC at Police Station Daba, District Ludhiana; 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 in a consensual relationship for many years and the present FIR is outcome of fall out of such relationship; the matter has now been settled between the petitioner and the victim/complainant which is decipherable from the affidavit dated 22.03.2024 sworn in by the victim/complainant (copy whereof has been appended as Annexure P-2 with the present petition) & petitioner is willing to appear before the trial Court and face trial in accordance with law. Notice of motion.

On asking of the Court, Mr. Anup Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. Mr. Ravi Rana, Advocate has appeared and filed power of attorney on behalf of respondent No.2. The same is taken on record.

Adjourned to 02.05.2024.

The petitioner is directed to enter appearance before the concerned trial Court on or before 25.04.2024. Upon the petitioner putting in such appearance, the trial Court shall admit him to interim bail to its satisfaction.”

3. Learned counsel for the petitioner has submitted that the petitioner has duly entered appearance before the concerned Trial Court in terms of order dated 16.04.2024 & he shall continue to appear before the said Trial Court in accordance with law.

4. Learned State counsel, on instructions from ASI Jernail Singh, has stated that pursuant to the order dated 16.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the present petition is allowed and interim order dated 16.04.2024 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.

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

(SUMEET GOEL)
JUDGE

May 02, 2024
jatin

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