

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-18240-2024
Date of decision: 07.05.2024

JASPREET SINGH

...PETITIONER

V/s

STATE OF PUNJAB AND ANR

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. P.S. Saini, 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.112 dated 22.12.2023, registered for the offences punishable under Section 376 of IPC at Police Station Daresi, District Police Commissionerate Ludhiana.
2. On 16.04.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 112 dated 22.12.2023 registered for offence punishable under Section 376 IPC at Police Station Daresi, District Police Commissionerate 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 are in a consensual relationship since the year 2021 and the present FIR is outcome of such relationship turning sour due to supervening circumstances; a settlement/compromise has been arrived at between the petitioner and the victim/complainant on 03.04.2024 (copy whereof has been appended as Annexure P-3 with the present petition) & petitioner is willing to join investigation and cooperate therein.
Notice of motion.

On asking of the Court, Mr. Anup Singh, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. Mr. P.S. Saini, Advocate has appeared and filed memorandum of appearance on behalf of respondent No.2/complainant. The same is taken on record.

Learned counsel for respondent No.2 has ratified the factum of compromise having been effected between the petitioner and victim/complainant.

Adjourned to 07.05.2024.

The petitioner is directed to appear before the Investigating Officer on 19.04.2024 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 counsel appearing for R-2/complainant has again ratified the settlement/compromise arrived at between the petitioner and the victim-complainant on 03.04.2024. (A copy whereof has been appended as Annexure P-3).

4. Learned State counsel, on instructions from ASI Harpal 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 07, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No