



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-20944-2024 (O&M)
Date of Decision: 13.11.2024

RAJ KUMAR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

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

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioner in case FIR No.08 dated 12.01.2022, under Sections 376 and 506 IPC, 1860, registered at Police Station Khuian Sarwar, District Fazilka.

2. On 07.05.2024, this Court passed the following order while granting interim bail to the petitioner:

2. Learned counsel for the petitioner inter alia contends that the petitioner is 28 years of age, whereas the prosecutrix who lodged the FIR is 41 years of old lady and married. The parties have effected a compromise as per the brief dated 26.02.2024 (Annexure P-2).
3. Notice of motion.
4. On advance notice, Ms. Himani Arora, A.A.G., Punjab appears on behalf of the respondent-State.
5. Learned State counsel, on instructions from ASI Gagandeep, informs that the prosecutrix has supported the case in her statement recorded under Section 164 Cr.P.C. and even as per the forensic DNA report, human semen was detected in the sample of the prosecutrix.



She, however, seeks an adjournment to verify about the authenticity of compromise (Annexure P-2).

6. Adjourned to 25.07.2024 for service of respondent No. 2.

7. In the meanwhile, in the event of arrest of the petitioner, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to his furnishing bail bonds and surety bonds, 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.'

3. Status report dated 12.11.2024 by way of Arun Mundan, PPS, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka along with the documents filed on behalf of the respondent-State, are taken on record.

4. Learned State counsel has informed that the petitioner has joined the investigation and his custodial interrogation is not required. While referring to the said status report, learned State counsel has informed that initially a cancellation report was presented before the trial Court, which was not accepted by the Judicial Magistrate 1st Class, Abohar and the same was sent back to the police for re-investigation.

5. I have heard the aforesaid submissions and perused the relevant documents.

6. In view of the aforesaid facts and the reasons recorded in the order dated 07.05.2024 and keeping in view the fact that the petitioner has joined the investigation; his 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 07.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid



down under Section 438(2) Cr.P.C.

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

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

(HARPREET KAUR JEEWAN)
JUDGE

13.11.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No