

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

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2024:PHHC:008971

CRA-S-1408-2023

Date of decision: January 23, 2024

GURPREET SINGH

...Appellant

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.K. Sama, Advocate
for the appellant.

Mr. Mohit Kapoor, Additional Advocate General, Punjab
with ASI Gurdeep Singh.

MANJARI NEHRU KAUL, J. (ORAL)

The instant appeal has been filed by the appellant impugning the order dated 24.04.2023 passed by the Additional District and Sessions Judge-cum-Fast Track Court dealing with rape cases, Ferozepur, vide which the application filed under Section 438 Cr.P.C. for extending the concession of bail to the appellant was dismissed.

Vide order dated 10.05.2023, the appellant had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the appellant inter alia contends that the occurrence in question allegedly took place in the ration depot of one Sher Singh. While drawing the attention of this Court to the FIR (Annexure A-1) learned counsel submits that as per the allegations levelled therein while distributing ration at the depot of Sher Singh, the appellant indulged in abusive language and passed casteist remarks against the complainant. Learned counsel further submits that there was no occasion for the appellant to have been

present at the depot because it was a matter of record that neither he was an employee of the depot-holder nor was he in any manner related to the depot-holder. It has also been submitted that subsequent to the registration of FIR in question, an affidavit too was given by the complainant qua the appellant not being present at the time of the alleged occurrence.”

Learned counsel for the appellant submits that in compliance of order dated 10.05.2023, the appellant has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the appellant is not required for further investigation, much less for his custodial interrogation.

In view of the above, the appeal is allowed and interim order dated 10.05.2023 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

January 23, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No