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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23468-2024 (O&M)
Date of decision: 04.07.2024

Amarjot Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Randhawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0009 dated 26.01.2024 under Section 376 of the Indian Penal Code, 1860, registered at Police Station Dhariwal, District Gurdaspur.

2. On 10.05.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’), seeking anticipatory bail in FIR No.0009 dated 26.01.2024 under Section 376 of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Dhariwal, District

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Gurdaspur.

Learned counsel for the petitioner, inter alia, contends that the petitioner and the complainant are major and they were in a consensual relationship. The petitioner is serving in Indian Army and after registration of FIR (supra), the complainant has effected a compromise with the petitioner. The complainant sworn an affidavit dated 14.03.2024 (Annexure P-2), in which she has categorically stated that she has compromised the matter with the petitioner with the intervention of relatives, friends and respectable persons and she has no objection, in case the petitioner is acquitted and she will be bound to give her statement in any Court or police station, if necessary.

Notice of motion for 04.07.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the

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learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Nirmal Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 10.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

04.07.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No