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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28188-2024 (O&M)

Date of Decision: 16.07.2024

ABHIKARAN

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Veer Vikram Singh Mann, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Mohammad Arshad, Advocate for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.33 dated 01.02.2024 registered for offences punishable under Sections 376 & 506 of IPC, 1860 at Police Station Sohana, District Mohali (SAS Nagar).

2. On 30.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No.33 dated 01.02.2024 registered for offences punishable under Sections 376 & 506 of IPC, 1860 at Police Station Sohana, District Mohali (SAS Nagar), the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner (who is a 34 years old man) as also the complainant/victim (who is a lady aged 34 years working as a qualified Nurse) were in a consensual relationship since the year 2011; on account of supervening circumstances, the said relationship turned sour & genesis of the FIR in question lies therein; no recovery is to be made/effectuated from the petitioner & petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr.Adhiraj Singh Thind, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

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Adjourned to 16.07.2024.

The petitioner is directed to appear before the Investigating Officer on 04.06.2024 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 State counsel, on instructions from ASI Sish Pal, has stated that pursuant to the order dated 30.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned counsel for the complainant has vociferously opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

4. In view of above, the petition is allowed and interim order dated 30.05.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be interpreted as 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.

6. 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.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.



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8. Pending applications, if any, shall also stand disposed off.

16.07.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No