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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29461-2024

Date of decision: 15.07.2024

Sandeep Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.68 dated 11.05.2024 under Sections 376/420/506 of IPC registered at Police Station Division No.1, District Jalandhar.

On 06.06.2024, the following order was passed:-

'Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.68 dated 11.05.2024 registered under Sections 376, 420, 506 of the IPC at Police Station Division No.1, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner and complainant were in a relationship and it was the complainant, who came to meet him on the date of the incident being alleged. Learned counsel for the petitioner further submits that even as per the complaint, after the complainant came back from her matrimonial home, it was the petitioner, who had arranged accommodation for her in a hotel, which facts proves that the petitioner has done no wrong with the complainant as the complainant would not take help to seek shelter of a person who was blackmailing her in any manner. Learned counsel for the petitioner further submits that as the complainant wanted petitioner to get married to her immediately, which was refused by the petitioner on the ground that no marriage can take place till her earlier marriage subsists, the present complaint has been filed with false allegations.

Learned counsel for the petitioner further submits that though Section 420 of the IPC has been invoked but not even a single averment exists in the complaint to support the said section, which clearly shows that without any application of mind, present FIR has



been registered against the petitioner so as to implicate him.

Notice of motion.

Mr. Kuljeet Singh, Addl A.G. Punjab, who is present in the Court accepts notice on behalf of the respondent-State of Punjab.

Learned State counsel submits that there are allegations that there are certain photographs of the complainant which have been taken by petitioner due to which the complainant was being blackmailed by the petitioner, which needs to be recovered from the petitioner and hence, the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts narrated hereinbefore, the custodial interrogation of the petitioner is only being asked to recover the alleged photographs of the complainant but as of now no details of the photographs as to when the same were taken have come on record. In the absence of any material as to when the said alleged photographs were taken, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in the investigation especially, when learned counsel for the petitioner undertakes that qua the said alleged photographs full cooperation will be extended by the petitioner during the investigation.

Keeping in view the fact that the petitioner is ready to join and cooperate in investigation, the petitioner has made out a case for the grant of benefit of anticipatory bail as the joining and cooperating in investigation by the petitioner will achieve the purpose of the investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 15.07.2024.'

Learned State counsel on instructions from ASI Sahib Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required, however, the mobile phone of the petitioner which was used for clicking photographs has not been handed over to the Investigating Agency.

Learned counsel for the petitioner undertakes to hand over the mobile phone of the petitioner to the Investigating Officer within a period of 02 weeks.

In view of the statement of learned State counsel, order dated 06.06.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C. However, in case, the petitioner fails to hand over his alleged mobile phone to the Investigating Officer within the stipulated time period, this order shall automatically stands vacated.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.07.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No