



Sr. No.215

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

CRM-M-29869-2024
Date of decision: 22nd August 2024

VIJAY KUMAR**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.33 dated 09.05.2024, under Section 376 IPC, 1860, registered at Police Station Aur, Shaheed Bhagat Singh Nagar (Annexure P-1).

2. On 13.06.2024, following order was passed:-

“Learned counsel appearing for the petitioner inter alia contends that the petitioner has been implicated in the aforesaid case on the allegation that he had entered into physical intimacy with the complainant on the pretext of marriage. He submits that the complainant did not disclose about her marital status and that she was a widow having three children. He submits that a civil suit is already pending between the parties and that the allegations have been levelled in a false and frivolous manner despite the complainant being full aware of the nature of the relationship between the parties and that there was no such assurance that was given by the petitioner. It is also contended that the petitioner has no criminal antecedents and undertakes to join the investigation as and when required to do so.



Notice of motion returnable for 22.08.2024.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 13.06.2024, passed by this Court.

4. Learned State counsel confirms that the petitioner has joined investigation in terms of the order dated 13.06.2024 and also contends that his custodial interrogation is not required. He further informs that investigation is complete and final report/challan under Section 173 Cr.P.C. has been presented before the trial Court.

5. In view of the reasons recorded in the order dated 13.06.2024 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 13.06.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any



condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

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

(HARPREET KAUR JEEWAN)
JUDGE

22nd August 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No