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

CRM-M-32363-2024

Date of decision: 08.08.2024

Sandeep Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. N.S. Dandiwal, 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.079 dated 17.05.2024 (Annexure P-1) under Sections 341/376/379-B/506 of IPC registered at Police Station City South Moga.

On 10.07.2024, 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.79 dated 17.05.2024 under Sections 341, 376, 379-B, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City South, Moga.

Learned counsel for the petitioner, inter alia, contends that the prosecutrix is major and she was earlier married to one Manoj Kumar and a son was born out of this wedlock. Since husband of the prosecutrix was drug addict, she left her company and got married to the petitioner. Reliance in this regard is placed upon photographs of the marriage ceremony between the petitioner and the prosecutrix. The allegations levelled against the petitioner that he snatched I-phone of the prosecutrix and threatened her to make obscene videos, are implausible, as the petitioner purchased this I-phone and even paying the EMIs. As such, no offence under Section 376 of IPC is made out. Notice of motion for 08.08.2024.

*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 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.'

Learned State counsel on instructions from SI Balwinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 10.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

08.08.2024
Neha

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