

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

206

CRM-M-33892-2023 (O&M)
Date of decision: 14.02.2024

Shama ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raghav Goyal, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 306, dated 29.12.2022, under Section 376 of IPC (Sections 384, 120-B of IPC added later on against the complainant) at Police Station City Muktsar, District Sri Muktsar Sahib.
- Brief facts of the case relevant for the purpose of disposal of the present petition are that it was the present petitioner, who was the original lodger of the instant FIR, who on 29.12.2022 lodged the complaint before the police making allegations that one Tehal Singh had been stalking her from the last many days and had been trying to induce her on the pretext of providing a job by saying that he was having good contacts with the police and judges. She alleged that on 28.12.2022, he had come to her house and had committed rape upon her. A case under Section 376 of IPC was registered against aforesaid Tehal Singh. However, during investigation, offence under Section 376 of IPC was deleted and a case under Section 384 read with Section 120-B

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of IPC was registered as against the present petitioner, one Balkaran and some unknown persons, who had made some video, on the basis of which, the present petitioner was trying to extort money from Tehal Singh. Apprehending her arrest, the present petitioner had filed an application for grant of anticipatory bail before the Court of learned Additional Judge, Sri Muktsar Sahib but the same had been dismissed, vide order dated 07.07.2023.

3. The instant petition has been filed by the petitioner on the grounds and it has been argued by her counsel that she has been falsely implicated in this case by the police in connivance with aforesaid Tehal Singh. He was wrongly declared innocent by the police. The petitioner has already joined the investigation in the matter during the pendency of the bail application, which was filed before the learned Additional Sessions Judge. Her custodial interrogation is not required. No recovery is to be effected from her. Therefore, it is prayed that she deserves to be granted benefit of pre-arrest bail.

4. It will be relevant to mention here that vide order dated 17.07.2023, the petitioner was directed to join investigation and as per status report, filed by the respondent-State, she has joined the same.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 17.07.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

14.02.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No