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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34184-2023 (O&M)
Date of Decision: 01.03.2024

NARINDER SINGH NAGRA

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Atul Kumar, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. S.P.S. Khaira, Advocate for 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.0244 dated 30.11.2015 under Sections 376 and 506 of the Indian Penal Code, 1860 registered at Police Station Samrala, Police District Khanna, District Ludhiana.

2. On 18.07.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0244 dated 30.11.2015 under Sections 376, 506 of the Indian Penal Code, 1860 registered at Police Station Samrala, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner would contend that a compromise was entered into between the parties and on the basis of that compromise a cancellation report had also been filed which was, however, rejected by the learned Sub Divisional Judicial Magistrate vide order dated 12.07.2021. It is further the contention that in her second statement under Section 164 CrPC, the prosecutrix has stated that the accused had not committed any crime. The learned counsel has further contended that the petitioner has absolutely clean antecedents.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent-State of Punjab and seeks some time to get his instructions.

List on 07.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Thereafter on 14.12.2023, the following order was passed:

“CRM-52549-2023

This is an application for placing on record the translated copy of the statement of Jatinder Singh; translated copy of the affidavit of Amandeep Kaur and translated copy of the affidavit of Harchan Singh along with vernaculars thereof obtained by the complainant under the Right to Information Act, 2005 as Annexures R-1 to R-3.

For the reasons stated in the application the same is allowed.

The documents as mentioned in the application are taken on record as Annexures R-1 to R-3. CRM stands disposed off.

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Learned counsel for the petitioner seeks some time to place on record the affidavit of the petitioner clearly stating therein that he will not misuse the affidavit given by the complainant, which has been appended with the present petition as Annexure P-2. On his request, adjourned to 27.02.2024.

Interim order to continue.”

4. Learned counsel for the petitioner vide CRM-9757-2024 has placed on record affidavit of the petitioner in terms of order dated 14.12.2023.

5. Learned State counsel, on instructions from ASI Harjinder Singh, has stated that pursuant to the order dated 18.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

6. In view of above, the petition is allowed and interim order dated 18.07.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7.

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.
8.

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.
9.

Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
10.

Pending application(s), if any, shall also stand disposed off.

01.03.2024

(SUMEET GOEL)

JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No