

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208A

CRM-M-35765 of 2023 (O&M)
DATE OF DECISION :- 18.03.2024

Parwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Basant Sharma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

CRM No. 9566 of 2024

Heard.

This is an application for adding offences under Sections 328/506 of IPC in the head note/prayer clause of the petition.

The application is allowed.

The Registry is directed to carry out requisite correction in the head note/prayer clause of the petition.

CRM-M-35765 of 2023

1. On 06.11.2023, the following order was passed:-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No.83 dated 29.06.2023 under Sections 376/377/384/120-B IPC registered at Police Station Cantt District Bathinda.

2. Short reply by way of affidavit of Gurpreet Singh, Deputy Superintendent of Police, City-2, Bathinda on behalf of the respondent-State has been placed on record.

3. *Learned counsel for the petitioner contends that the allegations with regard to commission of rape have been attributed against Gurpreet Singh, co-accused. The petitioner is the brother-in-law of Gurpreet Singh. The allegations are to the effect that Gurpreet Singh had been sexually abusing the prosecutrix for a long period of time and also extending threats to disseminate her obscene video. There are allegations to the effect that Gurpreet Singh @ Gora had also been extorting money from the prosecutrix. The mobile phone being used to extend threat is in the name of Gurpreet Singh @ Gora, co-accused. Even the instagram I.D., namely, parwinder.chahal15 is being operated by Gurpreet Singh, co-accused from which the threats were allegedly extended to the prosecutrix. It is further submitted that the offence under Sections 328 and 506 IPC have been added subsequent to the registration of the FIR.*

4. *Adjourned to 12.12.2023.*

5. *In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure. This order will also be construed to have been passed with regard to offence under Sections 328 and 506 IPC.”*

2. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner.

3. Learned State counsel, on instructions from HC Sundar Singh, has stated that pursuant to the order dated 06.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 06.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read 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.
6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

18.03.2024

P.Singh

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No