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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37337-2023 (O&M)
Date of Decision: 21.02.2024

SANDEEP SINGH @ SANDEEP

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Krishan Kumar Thakur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Prateek Rathee, Advocate
for respondent No.2/complainant.

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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.0064 dated 01.06.2023 under Section 376 of the Indian Penal Code, 1860 registered at Police Station Cantt. Ferozepur, District Ferozepur.
2. On 02.08.2023, 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.0064 dated 01.06.2023 under Section 376 of the Indian Penal Code, 1860 registered at Police Station Cantt. Ferozepur.

Learned counsel for the petitioner would contend that the petitioner and the complainant were in a consensual relationship since the year 2020. It is further contended that initially there was some misunderstanding between the petitioner and the complainant and a complaint was filed by the complainant in the year 2022. At that point the petitioner had given an affidavit that he would solemnize his marriage with the complainant within a period of six months but thereafter due to temperamental differences the marriage was not solemnized.

Notice of motion.

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

List on 17.11.2023.

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. Learned State counsel, on instructions from ASI Naresh Kumar, has stated that pursuant to the order dated 02.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he does not deserve the concession of pre arrest bail.

4. In view of above, the petition is allowed and interim order dated 02.08.2023 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 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.

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

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

21.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No