

Sr. No.211(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39510-2023
Date of decision: 13th March, 2024

GURPREET SINGH ALIAS GAGANDEEP SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.S. Jaidka, Advocate and
Mr. Abhishek Khullar, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Lovepreet Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.78 dated 12.05.2023, under Sections 366, 376 IPC, 1860, registered at Police Station City Jagraon, District Ludhiana (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was granted interim bail as per the order dated 11.08.2023, passed by the co-ordinate Bench of this Court. The relevant portion of the said order reads as under:-

“xxx xxx xxx xxx

Learned counsel for the petitioner submits that the issue between the parties has been resolved amicably and now the petitioner and respondent No.2/complainant are residing happily together as husband and wife. Learned counsel for the petitioner refers to the affidavit of respondent No.2/prosecutrix (Annexure P-2) in this regard also. Photographs of the marriage of the petitioner and respondent No.2 are appended as Annexure P-3, Marriage Certificate is annexed as Annexure P-4. Learned counsel for the petitioner also refers to

Annexure P-5, copy of order dated 30.6.2023 passed by learned Additional Sessions Judge, Ludhiana in CRM-1963-2023, whereby protection to lives and liberty of petitioner and respondent No.2 was granted. Learned counsel for the petitioner submits that the petitioner has also moved this Court for quashing of the FIR in question on the basis of compromise and filed CRM-M-37416-2023, in which Notice of motion has been issued and the parties have been directed to appear before the learned trial Court on 17.8.2023 for getting their statements recorded and the report of learned trial Court is awaited for 16.11.2023.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to file detailed status report in the matter.

Mr. Amit Gupta, Advocate has also put in appearance on behalf of respondent No.2/complainant and filed his Power of Attorney, which is taken on record. Learned counsel for respondent No.2/complainant has not disputed the abovesaid facts and admits the factum of compromise effected between the parties and the fact that presently the petitioner and respondent No.2/complainant are residing happily as husband and wife.

Adjourned to 07.12.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

xxx xxx xxx xxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 11.08.2023 and the petitioner and respondent No.2/complainant are happily residing together as husband and wife.

4. Learned counsel appearing on behalf of the respondent-State confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. Learned counsel appearing on behalf of respondent No.2 admits the factum of compromise effected between the parties and the fact that presently the petitioner and respondent No.2/complainant are happily residing together as husband and wife.

6. In view of the reasons recorded in the order dated 11.08.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 11.08.2023 passed by the Coordinate Bench of this Court, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

13th March, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No