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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44089-2023

Date of decision: 31.07.2024

Joga Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.68 dated 11.06.2023 under Sections 376/323/506/328/363/354-B of IPC registered at Police Station (offences under Sections 323/506/328/363/354-B of IPC added later on) registered at Police Station Subhanpur, District Kapurthala.

Office report indicates that the father and mother of respondent No.2 has informed the process server that she is not residing at the given address after marriage.

On 10.10.2023, the following order was passed:-

'1. Petitioner is seeking anticipatory bail in the case bearing FIR No.68 dated 11.06.2023, under Section 376/323/506/328/363/354-B IPC, registered at Police Station Subhanpur, District Kapurthala.

2. Learned counsel for the petitioner contends that the prosecutrix is aged about 20 years and was in live-in-relationship with the petitioner. They had also entered into an agreement dated 06.06.2023, Annexure P-2 in this regard. Furthermore, the photographs, Annexure P-3 also indicate that the parties were in relationship with each other. As per the allegations, the rape was allegedly committed on 29.05.2023 and the FIR has been registered

- after a delay of about 13 days.*
- 3. In terms of the order dated 04.09.2023, learned State counsel had sought time to verify with regard to the agreement dated 06.06.2023, Annexure P-2 and the photographs, Annexure P-3 and submit reply in the matter. The reply indicates that the victim had not tendered any sworn affidavit in favour of the petitioner. However, the status report is silent with regard to the live-in-relationship agreement. Even the photographs are stated to have been taken while she was in the state of intoxication. Moreover, the report of chemical examiner has not yet been received.*
- 4. Adjourned to 23.01.2024.*
- 5. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.'*

Learned State counsel on instructions from ASI Balvir Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 10.10.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

31.07.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No