

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

**CRM-M-45831 of 2023
DATE OF DECISION :- 07.02.2024**

Bagga Singh @ Hardev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. R.K. Arya, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. On 15.11.2023, the following order was passed:-

"1. Petitioner is seeking anticipatory bail in case bearing FIR No.51 dated 19.07.2023 under Sections 376 IPC, registered at Police Station Bhindi Saidan, District Amritsar Rural.

2. Status report by way of affidavit of Gurinder Pal Singh, P.P.S., Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) on behalf of the respondent-State has been filed and the same is taken on record.

3. Learned counsel for the petitioner contends that the prosecutrix is a married lady, aged about 35 years having two children. The petitioner is also a married man having three children. The alleged occurrence took place on 14.07.2023 and the FIR has been lodged after a delay of 5 days. Furthermore, there is no medical evidence to substantiate the allegations of commission of rape. The petitioner and the prosecutrix are neighbours. The petitioner has been implicated as the prosecutrix had been indulging in narcotics and he had objected to the same.

4. Learned State counsel has not disputed the fact that the status report submitted is absolutely silent with regard to the plea of the petitioner to the effect that he has been falsely implicated as the prosecutrix had been indulging in Narcotics and he had objected to the same.

- 5. *Adjourned to 07.02.2024.*
- 6. *Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

2. Learned State counsel on instructions from ASI Ranjit Singh has stated that pursuant to the order dated 15.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 15.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.

5. 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.

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

(SUMEET GOEL)
JUDGE

07.02.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No