



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-48763-2022 (O&M)
Date of Decision: 11.09.2024

CHETAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. B.S. Randhawa, Advocate for
Mr. S.S. Gill, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

None for the complainant.

HARPREET KAUR JEEWAN , J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.0210 dated 01.08.2022, under Sections 354, 354-A, 452, 506 IPC, 1860, registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar.

2. Short reply dated 08.02.2023 by way of affidavit of Varinder Singh Khosa, PPS, Assistant Commissioner of Police, North, Amritsar filed on behalf of the respondent-State is taken on record.



3. On 11.09.2023, the Coordinate Bench of this Court passed the following order and directed the petitioner to join the investigation:

'Vide order dated 06.12.2022, the arrest of the petitioner was stayed.

A request for an adjournment has been made on behalf of learned counsel for the petitioner.

List on 08.12.2023.

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.'

4. Learned counsel for the petitioner submits that the petitioner has joined the investigation in terms of the order dated 11.09.2023 passed by the Coordinate Bench of this Court.

5. Learned State counsel on instructions from SI Gurinder Singh has informed that the petitioner has joined the investigation in terms of the order dated 11.09.2023 passed by the Coordinate Bench of this Court and his further custodial interrogation is not required. Learned State counsel has further informed that investigation is almost complete.

6. I have heard learned counsel for the parties and perused the relevant documents.

7. The present FIR was registered at the instance of the complainant, with the allegations that the petitioner, who is friend of the husband of the complainant, came in the house of the complainant in the night and told her that her husband had been making phone calls to the complainant but her phone is not reachable, as such he had come to her house. When the complainant opened the door, the petitioner came inside the house and made objectionable acts with her. In the meantime, the sons of the complainant, who were sleeping woke up



and the petitioner ran away from the spot while extending threats.

8. As per the status report dated 08.02.2023, subsequent to the registration of the FIR, a representation bearing No.702-PC/COP dated 02.08.2022 had been given by the complainant levelling same allegations, which were recorded in her statement under Section 164 Cr.P.C. It is further mentioned in the status report that prior to the registration of the FIR, the complainant-victim had given representation dated 27.07.2022 (Annexure R-2/1) against the petitioner. However, in the statement got recorded by the complainant to the lady police officer, subsequent to the said complaint, the victim had not levelled any allegations regarding attempt to rape by the petitioner. The allegations on the basis of the subsequent representation dated 02.08.2022 were also verified during the course of the investigation. It is further mentioned in the status report that another FIR No.255 dated 07.09.2022 under Sections 323, 324, 452, 427, 34 IPC at Police Station Sadar, Amritsar was registered at the instance of the wife of the petitioner against the husband of the complainant. In the said FIR, the accused-Sarabjit Singh has been granted concession of anticipatory bail by the learned Additional Sessions Judge, Amritsar and he has joined the investigation on 17.10.2022.

9. In view of the aforesaid facts and the reasons recorded in the order dated 11.09.2023 and keeping in view the fact that the petitioner has joined the investigation; there are no allegations of attempt to rape against the petitioner; investigation is almost complete and the allegations and counter-allegations between the petitioner and the complainant are matter of trial, the present petition is allowed and the order dated 11.09.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section



438(2) Cr.P.C.

10. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11.09.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No