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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48230-2023 (O&M)

Date of Decision: 26.02.2024

Maninder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Rahul Sharma, Advocate for the complainant.

...

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.0146 dated 21.06.2023, under Sections 376 and 506 IPC, registered at Police Station Sadar Mansa, District Mansa.
2. On 25.09.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0146 dated 21.6.2023, under Sections 376 and 506 IPC, registered at Police Station Sadar, District Mansa.

Learned counsel for the petitioner inter alia submits that the complainant/alleged victim in the present case is a 32 year old married lady, having three children. It is submitted that even the allegations made in the FIR are almost absurd and unbelievable inasmuch as it has been alleged that the petitioner offered a lift to the complainant and later took her to a hotel, where he intoxicated her and thereafter committed rape upon her. It is submitted that in fact, the present FIR is politically motivated and is a counter-blast to another FIR No.0221 dated 26.7.2019, under Sections 457, 376 and 506 IPC, registered at Police Station Sadar, District Mansa (Annexure P-2), registered on the statement of one Surinder Kaur @ Bholi against the son

of the employer of the present victim, namely, Hakam Singh. It is stated that the present complainant is working as Sweeper in the house of Hakam Singh. It is further submitted that the date of alleged incident in the present case is 14.6.2023 and the FIR was registered on 21.6.2023 i.e. after an unexplained delay of seven days. However, learned counsel submits that petitioner is ready to join the investigation and undertakes to cooperate in the investigation.

Notice of motion for 14.12.2023.

On asking of the Court, Mr. Sanish Girdhar, AAG, Punjab accepts notice on behalf of respondent-State. He opposes the prayer made by the petitioner for grant of anticipatory bail, however, admits that as per MLR dated 23.6.2023, no injury has been found on the person of complainant. He further submits that the challan in the matter has been presented before the trial Court and he seeks time to file detailed status report in the matter.

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.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned State counsel, on instructions from ASI Gurdarshan Singh, has stated that pursuant to the order dated 25.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 25.09.2023 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 be construed to be an opinion on the merits of the case.

26.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No