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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46566-2024

Date of decision: 23.10.2024

Tek Chand

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Atul Kaushik, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.267 dated 26.06.2024 (Annexure P-1) under Section 376 of IPC registered at Police Station Zirakpur (Mohali).

On 19.09.2024, the following order was passed:-

'The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.267 dated 26.06.2024 under Section 376 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Zirakpur (Mohali).

Learned counsel for the petitioner, inter alia, contends that there is a delay of more than 01 year in registration of FIR (supra), which creates a serious dent in the case set up by the prosecution. The petitioner is serving in Central Reserve Police Force and is currently posted in Kashmir. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. The allegations against the petitioner are implausible and too far-fetched.

Notice of motion for 23.10.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*



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If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

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

Ms. Nisha Rana, Advocate puts in appearance on behalf of the complainant and files her *vakalatnama* in the Court today which is taken on record. She vehemently opposes the grant of anticipatory bail to the petitioner on the ground that there is no delay in setting the criminal law into motion. The jurisdictional police authorities as well as Central Reserve Police Force have been duly informed without any delay with regard to the conduct of the petitioner and the FIR (*supra*) was only registered after the intervention of the Human Rights Commission. She further submits that the complainant is in possession of a video recording in which the petitioner was seen putting *sindoor* on the complainant, as such, it is amply proved that the petitioner has exploited the complainant/prosecutrix on the false pretext of marriage.

In view of the statement of learned State counsel, order dated 19.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024

Neha

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