

Sr. No.204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48831-2023
Date of decision: 03rd May, 2024

RAVINDER SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Hitesh Chopra, Advocate
for the petitioner (through VC).

Ms. Himani Arora, A.A.G.,Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.51 dated 11.09.2023, under Section 376 IPC, 1860, registered at Police Station Dorangla, District Gurdaspur (Annexure P-1).
2. On 06.10.2023, the following order was passed by the co-ordinate Bench of this Court:-

“xxx xxx xxx xxx

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.51 dated 11.9.2023, under Section 376 IPC, registered at Police Station Dorangla, District Gurdaspur.

Learned counsel for the petitioner inter alia submits that the complainant/prosecutrix in the present case is a married woman having two children. It is submitted that she had consensually entered into relationship with the petitioner. It is stated that the petitioner and the complainant are in relationship for the last four years and now the present FIR has been registered on 11.09.2023, therefore, no offence under Section 376 IPC is made out. It is further submitted that the complainant was granted divorce from her first husband on 06.5.2023, as such, there is no truth to the allegation that the petitioner promised the complainant to get married. However, learned counsel submits that petitioner

is ready to join the investigation and undertakes to cooperate in the investigation, and therefore prays that the concession of anticipatory bail be granted to the petitioner.

Notice of motion for 24.1.2024.

On asking of the Court, Mr. Shubham Kaushik, AAG, Punjab accepts notice on behalf of respondent-State and 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.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 06.10.2023, passed by the co-ordinate Bench of this Court.

4. Learned State counsel, on instructions from ASI Gurnam Singh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 06.10.2023 and keeping in view the fact that the petitioner has joined investigation and his further

custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 06.10.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

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

(HARPREET KAUR JEEWAN)
JUDGE

03rd May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No