

CRM-M-52179-2022 (O&M)
Date of Decision: 25.01.2024

JAGSEER SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amritpal Singh Gill, Advocate,
for the petitioner.

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

HARPREET KAUR JEEWAN J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 64 dated 04.08.2022 registered under Sections 376 and 323 IPC at Police Station Bariwala, District Sri Muktsar Sahib.
2. Counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail as per the order dated 14.11.2022. The relevant portion of the said order reads as under:-

XXXX XXXX XXXX XXXX

It has been contended by counsel for the petitioner that the present FIR is nothing but an abuse of the process of the Court. He has submitted that the petitioner is the brother-in-law, i.e. Jeth of the prosecutrix. He submits that there is a dispute between both the brother on account of partition of the property. He submits that with the intervention of the respectables, twice the compromise has also taken place in which the

prosecutrix and her husband were also signatories. He has drawn the attention of this Court to the compromise arrived at, which are annexed as Annexures P-3 and P-4. He further submits that after entering into the compromise, the prosecution and her husband left the home in accordance with the compromise arrived at, however, later on they changed their mind and came back to the same house. He submits that on account of the same, the petitioner has been falsely roped in the present case on the allegations of rape, which are totally due to an act of vendetta. He has submitted that petitioner has no criminal antecedents. He has further submitted that in view of the above-mentioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 27.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer.....

XXXX XXXX XXXX XXXX

3. Counsel for the petitioner further contends that the petitioner is the brother-in-law of the complainant and there was a dispute between the brothers on account of partition of property. The petitioner has joined the

investigation in pursuance to the order dated 14.11.2022 passed by this Court. The final report under Section 173 Cr.P.C. has also been presented.

4. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Gurmeet Singh, confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required.

5. Keeping in view the reasons recorded in the order dated 14.11.2022 and in view of the fact that the investigation is complete and further custodial interrogation of the petitioner is not required, the petition is allowed and the order dated 14.11.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 25, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No