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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51211-2023

Date of decision: 19.07.2024

Rohan Arya

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ranbir S. Pathania, Advocate for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0104 dated 13.06.2023 under Section 376(2)(n) of IPC registered at Police Station Navi Baradari, District Jalandhar.

On 10.10.2023, the following order was passed:-

'This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0104 dated 13.06.2023 under Section 376(2)(n) of the Indian Penal Code, 1860 registered at Police Station Navi Baradari, District Jalandhar.

Learned counsel for the petitioner would contend that as per the version of the complainant herself, the petitioner and the complainant have known each other since 2019. It is further contended that the complainant was a married lady when she met the petitioner and subsequently it was only in the year 2022 that she obtained an ex-parte divorce from her husband. The learned counsel would further submit that initially the petitioner was in Canada and it was only after two years when he came to India that he met the complainant and they were in a consensual relationship.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

Learned counsel for the State has pointed out that though one of the dates mentioned of the alleged incident is 25.03.2023, the complainant went for her medical on 13.07.2023 and the doctor opined that since three months' time had elapsed between the dates of the incident and the medical hence no medical opinion could be given.

Learned counsel for the petitioner has stated that the



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petitioner is in Canada. He would, however, come and join investigation as soon as possible and hence he prays that he may be given about a month's time to join the investigation.

List on 15.01.2024.

Meanwhile, the petitioner to appear before the Investigating Officer on 14.11.2023. 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.'

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

In view of the statement of learned State counsel, order dated 10.10.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.07.2024

Neha

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