



206 **IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-48769-2024 (O&M)
Date of Decision: 28.10.2024**

KABIR KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ajay Kumar Pipaniya, Mr. Gaurav Deep Goel,
Mr. Paras Punyani, Mr. Lavish Chhikara and
Ms. Nikita Garg, Advocates for the petitioner.
Mr. Sandeep Kumar, DAG Punjab.
Mr. Pankaj Katia, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.354 dated 16.08.2024 under Section 376 of IPC registered
at Police Station Zirakpur, District Mohali (SAS Nagar) (Annexure P-1).

2. On 27.09.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to
the petitioner in case bearing FIR No.354 dated 16.08.2024 under
Section 376 of IPC registered at Police Station Zirakpur, District
Mohali (SAS Nagar) (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that
the prosecutrix is a mature lady of 35 years of age and there is a delay
of one year in reporting the matter to the jurisdictional police
authorities which creates a serious doubt on the case set up by the
prosecution. The relationship between the petitioner and the
prosecutrix was purely consensual in nature and they continued to live
together in several cities on different occasions. He further relies upon
the travel documents to indicate that the allegations with regard to the*



incident that has taken place on 01.09.2023 are concerned, the petitioner was in Abu Dhabi and he further relies upon the WhatsApp chat (Annexure P6) and submits that the prosecutrix has been threatening the petitioner.

Notice of motion.

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 meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS.

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

Adjourned to 28.10.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Rajesh Chauhan, submits that in compliance of order dated 27.09.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial

interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 27.09.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly disposed of.

28.10.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No