

CRM-M-51657-2024
Date of decision: 18.11.2024

...PETITIONER

...RESPONDENT

Learned counsel for the petitioner inter alia contends that the alleged incident of rape had taken place on 15.02.2022, whereas, the present FIR was registered only on 28.09.2024. There is an inordinate and unexplained



delay of 02 years and 07 months in the registration of the said FIR. The entire case set up by the prosecution is based upon the allegation that the petitioner has committed rape upon the prosecutrix and also made video of the said act. He further submits that on the date of incident, the petitioner was on election duty and relies upon the transcript of the conversation between the prosecutrix and Gurbinderjit Singh who is the co-conspirator of the prosecutrix and their entire plan to blackmail and extort money from the petitioner is clearly discernible from the conversation between them. The petitioner is ready to hand over the audio recording to the police. It is further contended that the entire material available on record clearly indicates that the petitioner has been falsely implicated by the prosecutrix by hatching conspiracy with Gurbinderjit Singh.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Arshdeep Singh Brar, Advocate puts in appearance on behalf of the complainant and files his vakalatnama in the Court today which is taken on record. He vehemently opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner was a person of authority when the alleged incident had taken place and the prosecutrix was under tremendous pressure to report the matter to the police.

*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 18.11.2024.

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 Inspector Renu Sahu, submits that in compliance of order dated 19.10.2024 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 19.10.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) B.N.S.S.
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

November 18, 2024
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(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No