

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-56124-2023

Date of Decision: 15.03.2024

Davinder Singh @ Pappu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.S. Dhot, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. L.S. Sidhu, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 74 dated 17.08.2023 registered under Section 376 IPC at Police Station Ghagga, District Patiala.

On 06.12.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“Status report by way of affidavit of Sh. Daljit Singh Virk, PPS, Deputy Superintendent of Police, Sub Division Patran, District Patiala filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place.

Learned counsel for the petitioner would contend that the incident of rape is alleged to have taken place in February 2017 and the present FIR has been lodged in 2023

on the allegation that on 13.08.2023 the petitioner had sent an obscene video clip of the complainant to her husband. Learned counsel for the petitioner would further contend, referring to the video chats between the petitioner and the complainant annexed as Annexure P-4, that both of them were friends and used to exchange messages on regular basis. It is further the contention that when husband of the complainant found out about the messages he called the petitioner on 13.08.2023 at 10.43 pm and threatened that he would commit suicide and implicate the petitioner. Thereafter, the present FIR was registered on 17.08.2023.

List on 15.03.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds 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 counsel for the petitioner submits that in compliance of the order dated 06.12.2023 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.

On instructions from ASI Buta Singh, learned State counsel submits that in terms of the order passed by a co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 06.12.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions

stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

15.03.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No