

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

289

CRM-M-56356-2023 (O&M)  
Date of Decision: 29.04.2024

TARSEM SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

| FIR No. | Dated      | Police Station                 | Sections                  |
|---------|------------|--------------------------------|---------------------------|
| 137     | 28.11.2022 | P.S. Bilga, District Jalandhar | 376, 354-A and 506 of IPC |

2. Vide order dated 08.11.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 08.11.2023 reads as under:-

*“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.137 dated 28.11.2022 under Sections 376, 354-A and 506 of the Indian Penal Code, 1860 registered at Police Station Bilga, District Jalandhar.*

*Learned counsel for the petitioner would contend that the petitioner and the complainant were working in the same academy i.e. Guru Nanak Academy, Partappura. Learned counsel for the petitioner would further contend that no such incident as alleged in the FIR had taken place in the year 2018*

*and infact the allegation that the petitioner had taken the complainant by force to Malaysia and Singapore is also belied by the fact that the wife of the petitioner was travelling with him when he went to Malaysia and Singapore. The document in support of the said contention is appended as Annexure P-2 with the petition. Learned counsel for the petitioner has also contended that though the incidents alleged are pertaining to the year 2018, however, the present FIR was lodged on 28.11.2022 due to the fact that a complaint had been given by the petitioner while in service against the complainant regarding her behaviour.*

*Notice of motion.*

*Mr. Adhiraj Singh Thind, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State.*

*List on 06.02.2024.*

*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.”*

4. The petitioner has joined the investigation on 15.11.2023. It is submitted by learned State counsel that custodial interrogation is no more required as investigation has since been completed and even challan has been presented before the learned Trial Court. Charges are, however, yet to be framed.

5. Keeping in view the fact that the investigation stands completed, custodial interrogation of the petitioner is no more required and even challan has been presented and the investigating agency does not

require his custodial interrogation, in my considered opinion, no useful purpose would be served by detaining the petitioner in custody.

6. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 08.11.2023 granting interim bail to the petitioner is made absolute subject to the conditions that the petitioner shall appear before the learned Trial Court on or before the date fixed and shall furnish fresh personal/surety bonds to the satisfaction of the Trial Court. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

29.04.2024  
Deepak Patwal

( MANISHA BATRA )  
JUDGE

- |    |                                  |               |
|----|----------------------------------|---------------|
| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i>        | <i>Yes/No</i> |