

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-56604-2023

Date of Decision: 08.02.2024

Harpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

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. 48 dated 08.04.2023 (Annexure P-1) registered under Sections 376, 354 and 354-A IPC at Police Station Division 4, District Patiala, Punjab.

On 09.11.2023, when this case was listed for hearing, following order has been passed by a co-ordinate Bench of this Court:-

“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.48 dated 08.04.2023 under Sections 376, 354, 354-A of the Indian Penal Code, 1860 registered at Police Station Division 4, District Patiala, Punjab.

As per the allegations, one Gurvinder Singh @ Captain committed rape upon the complainant. It was alleged that one Chaman Singh and one more person teased the complainant. The allegations of rape are against

Gurvinder Singh who was arrested and was thereafter granted regular bail. It is further the contention that the complainant has formed a gang for lodging similar FIRs to extort money and then turn hostile. It is further contended that the petitioner was neither named in the FIR nor in the statement recorded under Section 164 CrPC and it is only in the disclosure statement of Chaman Singh Chaudhary that he has been nominated. Learned counsel for the petitioner has further referred to the order passed by this Court on 19.09.2023 in CRM-M-30221-2023 whereby the anticipatory bail granted to Chaman Singh Chaudhary has been made absolute. The learned counsel for the petitioner would further contend that the petitioner's case is at par with that of Chaman Singh Chaudhary.

Notice of motion.

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

List on 08.02.2024.

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 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 counsel for the petitioner submits that in compliance of the order dated 09.11.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Baljinder Singh, states that in terms of the order passed by 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 09.11.2023 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.

08.02.2024

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No