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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63829-2023 (O&M)
DATE OF DECISION : 20.05.2024

HARPREET SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Neha Randhawa, Advocate for
Mr. Armaan Gagneja, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.149 dated 21.11.2023 under Sections 376(D)/342/120-B of the Indian Penal Code, 1860 registered at Police Station Vairo Ke, District Fazilka, Punjab.

2. On 21.12.2023 following order was passed:

“xxxx Learned counsel for the petitioner would contend that the allegations in the FIR are that on 09.10.2023 at about 7.30 PM, while the complainant was alone at home, Sukhpreet Kaur wife of Lovepreet Singh came to her house and allured her on the pretext of some work. She followed her and then she took her to the house of Harpreet Singh (petitioner herein) where Harpreet Singh administered some intoxicants. In the meantime, Gurlal Singh, Gobind Singh and Sona Singh along with seven unidentified persons and one unnamed women, whose faces were muffled, arrived at the spot and took her to some undisclosed place where Harpreet Singh, Gurlal Singh, Gobind Singh and Sona Singh committed rape upon her and threatened to eliminate her and her family. A writ petition was also filed in the High Court against her in-laws and parental family. On 19.11.2023 she managed to escaped from their clutches. On the statement of the complainant the present FIR was lodged on 21.11.2023.

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Learned counsel for the petitioner has referred to the complaint filed by the complainant on 12.10.2023 addressed to the Senior Superintendent of Police, Fazilka wherein it has been alleged that on 09.10.2023 at about 7.30 PM her in-laws had beaten her mercilessly and demanded money and when the complainant refused to give the money they beat her up and threw her out of the house. When she went to her parental house, her mother and brother also refused to keep her. It was further stated in the complaint that now she was living separately at Chak Dumat, P.O.Bahmani Wala, Jalalabad, Fazilka. A Criminal Writ Petition being CRWP No.10482 of 2023 was also preferred by the complainant seeking protection of her life and liberty at the hands of respondent Nos.4 to 6 therein who are her husband and in-laws. The learned counsel would further contend that there is no allegation in the said Criminal Writ Petition or the earlier complaint which pertains to the same day and time qua the petitioner.

Notice of motion.

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

Learned counsel for the State is not in a position to deny the factual averments as narrated by the learned counsel for the petitioner.

List on 05.03.2024.

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 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."

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court and petitioner undertakes to continue appearing before the trial Court as and when challan is presented.

4. Learned State counsel, on instructions from ASI Jaswinder Singh, has also confirmed that the petitioner has joined investigation. State



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counsel further informs that custodial interrogation of the petitioner is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 21.12.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 21.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

20.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No