

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-64332-2023

Date of Decision: 06.03.2024

Navdeep Singh

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Ms. Aakanksha Gupta, 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. 123 dated 22.08.2023, registered under Sections 376 and 506 IPC and Section 67A of the IT Act at Police Station Bullowal, District Hoshiarpur.

On 21.12.2023, when this case was listed for hearing, following order was 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.123 dated 22.08.2023 under Sections 376, 506 of the Indian Penal Code, 1860 and Section 67A of the IT Act registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner would contend that the FIR itself is totally bereft of any dates or details as to when the alleged forcible relationship was made by the petitioner with the complainant. The learned counsel has

further pointed out to Annexure P-2 which reveals that on numerous occasions the petitioner had paid money to the complainant and till date he has paid Rs.1,66,000/-. It is further the contention that the complainant and the petitioner were in a consensual relationship which is also apparent from the WhatsApp messages which have been appended with the petition as Annexure P-3. The learned counsel would further contend that it is the complainant who had refused to solemnize marriage with the petitioner.

Notice of motion.

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

List on 06.03.2024.

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.”

Learned counsel for the petitioner submits that in compliance of the order dated 21.12.2023 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.

On instructions, 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 on 20.01.2024; 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 21.12.2023 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.

06.03.2024
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(NIDHI GUPTA)
JUDGE

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