



207

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59945-2024 (O&M)
Date of Decision: 17.12.2024

KARAN

V/S

...Petitioner

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Simble, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.22 dated 20.01.2024 under Section 376 of IPC registered at
Police Station Civil Lines Batala, Police District Batala, District Gurdaspur
(Annexure P-1).

2. On 29.11.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to
the petitioner in case bearing FIR No.22 dated 20.01.2024 under
Section 376 of IPC registered at Police Station Civil Lines Batala,
Police District Batala, District Gurdaspur (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that
prosecutrix is a major and mature lady having two kids and the
petitioner was in a consensual relationship with her. He further
submits that Annexure P-2 is the civil suit filed by the petitioner and
the prosecutrix seeking injunction against their family members and
both of them continued to live together in a live-in relationship and
there is nothing on record to remotely suggest that the consent of the
prosecutrix was obtained under some misconception as provided under
Section 90 of IPC.*

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 06.12.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier 438 (2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 17.12.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Rakesh Kumar, submits that in compliance of order dated 29.11.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 29.11.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
5. The petition is accordingly disposed of.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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