

(2022) 05 P&H CK 0058

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 48555 Of 2022

Ashish Kumar

APPELLANT

Vs

State Of U.T. Chandigarh

RESPONDENT

Date of Decision : 13-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Citation : (2022) 05 P&H CK 0058

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : G.C. Shahpuri, Ankur Bali, Davinder Lubana

Final Decision : Allowed

Judgement

Anoop Chitkara, J

FIR No.

Dated

Police Station

Section

156

12.10.2021

Central, Sector 17, Chandigarh

376 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.

2. In paragraph 25 of the bail petition, the petitioner-accused has declared that he has no criminal history.

3. Vide order dated 18.11.2021, this Court had granted interim protection to the petitioner which continued till 28.4.2022, on which date this Court vide detailed order granted interim anticipatory bail to the petitioner.

4. Ld. Counsel for the petitioner has submitted that the petitioner has joined the investigation and his custodial interrogation is no more required.

5. Ld. counsel representing the complainant has opposed the bail on the ground that on 24.09.2020, Gaje Singh father of the petitioner along with relatives had assured them that his son Ashish Kumar has got service in Indian Railways and he was on training. They stated that once the training is over, they would solemnize the marriage and now, they have resiled from this marriage. He has argued that the police official of Police Post, Sector 12, Chandigarh had tried to convince the complainant not to undergo medical examination because of the time gap.

REASONING:

6. Considering the age of the victim and the accused, it is not a case for pre-trial custody and it may be unjust for the petitioner in case bail is denied. As far as the submission of the complainant is concerned, the investigating officer is directed to get her medically examined in case she is willing.

7. Given above, the present petition is allowed and the interim order dated 28.04.2022 is made absolute. All pending applications, if any, shall stand disposed of.