

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRM-M -15255 of 2017 (O&M)

Date of decision: 01.09.2017

Sanjeev

...Petitioner

Versus

UT Chandigarh

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Naveen Sharma, Advocate for the petitioner(s).

Mr. Parveen Chauhan, Advocate for  
Mr. G.S. Wasu, Addl. PP for UT Chandigarh  
assisted by SI Manjit Singh.

Mr. Gaurav Rana, Advocate for the complainant.

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.300 dated 21.12.2016, registered under Section 376 of IPC, at Police Station Sector 36, Chandigarh.

On 02.05.2017, this Court had passed the following order:-

*“As per allegation set out in the FIR, complainant who is 25 years old and MBA graduate had friendly relation with the petitioner. The petitioner told the complainant that he will marry her and by giving this assurance of marriage, many times, develop physical relation with her against her wishes and whenever, she talk about marriage, he used to*

*make excuses.*

*Notice of motion for 02.08.2017.*

*In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.*

- 1. Petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2. Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- 3. Petitioner shall not leave India without the previous permission of the Court;*
- 4. Such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”*

It is contended that in pursuance of the order dated 02.05.2017, the petitioner has joined the investigation. The learned counsel refers to the conversation (Annexure P-2 colly.) to controvert the allegations with regard to assurance of marriage allegedly given by the petitioner.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

The learned counsel for the complainant opposes the bail

petition.

Keeping in view the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 02.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

01.09.2017

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable:         | Yes | No |