

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.20905 of 2017

Date of Decision: 21.08.2017

Arun

. . . Petitioner

Versus

State of Haryana

. . . Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Parmod Parmar, Advocate  
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Navmohit Singh, Advocate  
for the complainant.

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**Lisa Gill, J. (Oral)**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.25 dated 13.05.2017, under Sections 376, 452, 506 IPC, registered at Women Police Station Narnaul (Mohindergarh).

The contentions on behalf of the petitioner were noticed by this Court while issuing notice of motion on 02.06.2017 as under:-

*“Counsel for the petitioner, inter alia, contends that as per allegations raised in the FIR, the alleged incident that the complainant was having bath in her house, the petitioner prepared a video and developed physical relations occurred about one year ago without mentioning date and month of*

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*the said occurrence. It is further submitted that the prosecutrix is a married lady and she belongs to village of the petitioner. Further submitted that silence of the complainant for a period of about one year is sufficient to show that the complainant was on friendly terms with the petitioner and she was a consenting party to whatsoever had happened between them.*

It is submitted that pursuant to the orders dated 02.06.2017, the petitioner has joined the investigation, therefore, this petition be allowed.

Learned counsel for the complainant has opposed this petition while arguing that the petitioner is guilty of a continuing offence. It cannot be said that there is a delay in lodging of the FIR. Moreover, veracity of the photographs annexed with the petition as Annexure P-1 and compact disc Annexure P-2 is suspect.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Suman, verifies that the petitioner has joined investigation and he is not required for custodial interrogation. Mobile phone of the petitioner has been recovered. It is further verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the

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case, this petition is allowed. Consequently, order dated 02.06.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

[ LISA GILL ]  
JUDGE

August 21, 2017  
*sachin*

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