

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

CRM-M-36051-2017

Date of decision: 29.11.2017

Pardeep Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana
assisted by H.C. Balkar Singh.

Mr. Viney Saini, Advocate for respondent No. 2.

Jitendra Chauhan, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C seeking anticipatory bail in case FIR No. 112 dated 4.8.2017, registered under Section 376 of the Indian Penal Code at Police Station Women Police Station Ambala.

On 26.9.2017, this Court had passed the following order:-

“Notice of motion for 27.10.2017.

At the asking of the Court, Ms. Mahima Yashpal, AAG, Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Viney Saini, Advocate causes representation on behalf of respondent No.2/complainant and states that parties have entered into compromise. The prosecutrix/respondent No.2 and the petitioner have proposed to marry each other. Complainant, namely, Pooja Rani is present in person.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1.That he shall make himself available for interrogation by a police officer as and when required;
- 2.That he 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 and;

3. That he shall not leave India without prior permission of the Court.”

Learned counsel for the petitioner contends that FIR is the result of misunderstanding between the parties, who are closely known to each other. Both the parties i.e. prosecutrix/respondent No. 2 and the petitioner have proposed to marry each other. He further submits that in pursuance to the order dated 26.9.2017, the petitioner has joined the investigation and is no more required for custodial investigation.

Prosecutrix/respondent No. 2 filed an affidavit on 19.9.2017 (Annexure P-2) to the aforesaid fact. Today, another affidavit dated 29.11.2017 has been filed on behalf of prosecutrix/respondent No. 2 in the Court reiterating that the compromise has been arrived at between the parties. The same is taken on record as Mark 'A'.

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

In view of the above, the order dated 26.9.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

29.11.2017
preeti

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