

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.16794 of 2018 (O&M)
Date of Decision.18.06.2018

Bijender @ Billu

.....Petitioner

Vs

State of Haryana

.....Respondent

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The prayer in the present petition is for grant of anticipatory bail in case FIR bearing No.36 dated 08.04.2018 under Sections 323, 328, 34, 344, 366, 376, 506 IPC and 25, 54, 59 of Arms Act and later on added offence under Section 3 of the SC/ST Act registered at Women Police Station, Karnal for commission of alleged offence against the petitioner and various other accused.

Mr. Parminder Singh, learned counsel appearing on behalf of the petitioner submitted that the complainant namely Rekha had married with Anil Kumar but left the matrimonial home and company of the husband. In this regard, an FIR bearing No.283 dated 20.03.2018 under Section 365 IPC was lodged at Police Station City Karnal by the husband. On 26.03.2018, the complainant recorded her statement under Section 164 Cr.P.C. alleging that her husband had committed rape and even offered the complainant to his friends against her wishes but in the said statement, name of the petitioner has not been referred to. However, in the subsequent statement

allegedly suffered under Section 164 Cr.P.C. on 08.04.2018, name of the petitioner along with some other co-accused was referred to. It has further been submitted that the petitioner had not been enjoying good reputation and the commission of offence under the Arms Act and the SC/ST Act has been added later on in order to make offence non-bailable.

Mr. Rajesh Gaur, Addl. A.G., Haryana on instructions from SI Geeta has not disputed the statements suffered on 26.03.2018 whereas the name of the petitioner and other co-accused has not been referred to but submitted that name of the petitioner has been introduced in the subsequent statement suffered under Section 164 Cr.P.C recorded on 08.04.2018.

Without going into the merits and demerits of the case, which will be subject matter of investigation and keeping in view the facts aforementioned, I deem it appropriate to grant concession of anticipatory bail to the petitioner. Resultantly, the petition is disposed of by granting anticipatory bail to the petitioner on the condition that he shall join the investigation as and when required and in the event of his arrest, he shall be released on bail by the Investigation Officer on furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned under Section 438(2) Cr.P.C.

(AMIT RAWAL)
JUDGE

June 18, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No