

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18471-2018

Date of decision: 14.11.2018

Rajender

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 27 dated
05.04.2018 under Sections 376, 452, 511 IPC, registered at Police Station
Rori, District Sirsa.

This Court was pleased to pass the following order on
03.05.2018 :-

*“It is contended that there is civil litigation
between the sister-in-law (Bhabi) of the petitioner with
the complainant's husband – Sahab Ram. A suit for
permanent injunction had been filed by the petitioner's
Bhabi in respect to a plot measuring about 15 marlas.
The present FIR, it is submitted, has been lodged only to
pressurise the petitioner and his family.*

Notice of motion for 16.08.2018.

In the meanwhile, petitioner shall appear before

the Investigating Officer and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner at the very outset submits that statement of the prosecutrix has been recorded in which she has not supported the prosecution version.

Learned counsel for the respondent-State, on instructions from the Investigating Officer, confirms the factum that statement of the prosecutrix has been recorded in which she has not supported the prosecution version.

Since statement of the prosecutrix has been recorded in which she has not supported the prosecution version, the petition is allowed and interim order dated 03.05.2018 is hereby made absolute subject to the condition that the petitioner will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

14.11.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.