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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 28.11.2018

+ BAIL APPLN. 851/2018

GURPREET

..... Petitioner

versus

THE STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Mohit Mathur, Sr. Advocate with
Mr. Piyush Pahuja and Mr. D.K. Yati, Advocate.

For the Respondent : Ms. Kusum Dhalla, APP for the State.
SI Harender Kumar, PS Timarpur.
Mr. Tejaswani Sharma with Ms.
Harpreet Kaur and Mr. Abhishek
Agarwal, Advocates for respondent
No.2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.26/2018 under Sections 376/377/506 IPC, Police Station Timarpur.
2. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated. It is submitted that the complainant was voluntarily residing with the petitioner and had even

taken a property on rent claiming the petitioner to be her husband. He further submits that the complainant as well as the petitioner had even travelled out of station on holiday trips, which can be verified by photographs as well as audio-video clippings. It is contended that the subject complaint has been lodged after the parties had fallen out.

3. Learned counsel for the petitioner further submits that the petitioner has never failed to join investigation. However, he was neither directed by the Trial Court to join investigation nor issued a notice by the Investigation Officer requiring the petitioner to join investigation.

4. The petitioner was granted interim protection by order dated 23.04.2018 subject to joining investigation.

5. Learned APP for the State submits that the investigation is complete and chargesheet has been filed, however, as there was an interim protection by this Court, chargesheet has been filed without arrest.

6. Keeping in view of the fact that the chargesheet has been filed, the petitioner is directed to approach the Trial Court for grant of regular bail within a period of one week from today. The interim protection, granted to the petitioner, by order dated 23.04.2018, shall enure to the benefit of the petitioner till the disposal of the application for grant of regular bail by the Trial Court and in case, the Trial Court is inclined not to admit the petitioner to bail for a period of one week

thereafter.

7. It is clarified that in case the petitioner fails to file an application seeking regular bail within one week from today, the interim protection granted to the petitioner shall automatically lapse.

8. It is further clarified that this Court has not expressed any opinion on the merits of the case and the Trial Court shall be at liberty to consider the application without being influenced by anything stated in this order.

9. The petition is disposed of in the above terms.

10. Order *Dasti* under the signatures of the Court Master.

NOVEMBER 28, 2018
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SANJEEV SACHDEVA, J