

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

CRM-M-3303-2019

Date of decision: April 04, 2019

Saddik Ahmed

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

Petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.185 dated 28.08.2018, registered under Sections 323, 406, 506, 498-A, 376 of the Indian Penal Code and Section 25 of Arms Act, 1959, at Police Station Pinangwa, District Nuh.

The main allegation with regard to committing rape is that on 06.12.2017 at about 06:00 p.m., petitioner, who is the husband of the complainant, had gone outside the house and in his absence, his brother Naseem entered into the room and committed sexual assault upon the complainant/prosecutrix.

At that time, petitioner was not present at the house and if anything happened, he is not liable for the same.

Learned State counsel, on instructions from ASI Saarika, has stated that petitioner has joined the investigation; nothing is to be recovered from him and he is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 24.01.2019, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

April 04, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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