

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-35504 of 2018

Date of Decision: 15.10.2019

Surat Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Gitanjali Sharma, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Rao Ajender Singh, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.82 dated 25.07.2018 under Sections 376, 342, 366, 420, 506, 114 and 34 IPC registered at Police Station WPS, Rewari.

Learned State counsel, on instructions from ASI Suman Lata, submits that the petitioner has joined the investigation and offence under Section 376 IPC has been deleted. She further submits that the family members of stamp vendor, where the complainant was allegedly taken by

the petitioner, have made a statement denying the very allegation of commission of rape. The custody of the petitioner is no more required.

Learned counsel for the complainant as argued that the petitioner has to pay an amount of Rs.41 lakhs to the respondent in the FIR.

I have heard learned counsel for the parties.

Admittedly, the petitioner has joined the investigation and his custodial interrogation is no more required. Merely because some money transaction is pending, the petitioner cannot be denied the relief of anticipatory bail, more particularly when offence under Section 376 IPC has been deleted.

Accordingly, the present petition is allowed and the interim order dated 18.08.2018 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

October 15, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No