

212.

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

CRM-M-22285-2019

Date of decision: 27.11.2019.

DEVENDER SHARMA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjeev Kumar Bawa, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Manish Soni, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.50 dated 25.04.2019 registered under Sections 313, 34, 376(2)(n) of IPC at Women Police Station, Manesar, Gurugram.

On 16.05.2019, this Court had passed the following order:-

“Learned counsel for the petitioner states that the petitioner is Ayurvedic doctor, whereas the complainant is a nurse. They came in contact with each other about 7 years back and physical relations were established between them. The matter was resolved between the parties and an affidavit dated 03.04.2019 (Annexure P-2) was jointly executed by the petitioner and the complainant, wherein it is mentioned that the parties are in live-in relations for the last 6-7 years with their free will and they have never forcibly tried to make physical

relations with each other. Despite the aforesaid affidavit, the complainant has now lodged the present FIR on 25.04.2019 by making reference of some subsequent episode of sexually ravishing her on 16.04.2019.

Notice of motion for 29.05.2019.”

Vide order dated 09.07.2019, the petitioner was admitted on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the arresting/Investigating Officer.

On 18.09.2019, when the case was taken up for hearing, counsel for the complainant has disputed the execution of the affidavit (Annexure P-2).

Counsel for the petitioner has stated that during the pendency of present petition, the matter has otherwise been compromised between the parties and a separate petition i.e. CRM-M-49885-2019 for quashing of FIR on the basis of compromise has accordingly been filed.

Counsel for the complainant does not dispute the compromise having been arrived at between the parties.

Learned State counsel, on instructions from ASI Rajbala, states that despite having been compromised the matter on 03.04.2019, the complainant has been ravished by the petitioner against her wishes on 16.04.2019. However, she submits that pursuant to the order dated 09.07.2019, the petitioner has joined the investigation and his custodial interrogation is no more required at this stage.

I have heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is no more required, present petition is allowed and

the interim bail granted to the petitioner vide order dated 09.07.2019 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

(HARI PAL VERMA)
JUDGE

27.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No