

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-53814-2018

Date of Decision:30.01.2019

Sunder Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Subhash Godara, Advocate,
for the petitioner.**

Mr. Manish Bansal, D.A.G., Haryana.

**Mr. J.S. Thind, Advocate,
for respondent No.2.**

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.78 dated 09.11.2018 under Sections 323, 328, 376 (2)(n), 506 IPC, 1860, registered at Women Police Station, Hisar.

This Court vide order dated December 18, 2018, had granted interim bail to the petitioner and he was directed to join the investigation if he is sought to be arrested. He was ordered to be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Learned counsel for the petitioner states that pursuant to the

aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Seema Rani, does not dispute the aforesaid fact and states that the custodial interrogation of the petitioner is no more required at this stage and mobile has been recovered from him.

At this stage, learned counsel for complainant-respondent No.2 has argued that the petitioner has another mobile phone and Laptop, which are also required to be recovered. He refers to the judgment in **Saurabh Jain Versus State NCT of Delhi**, 2014(8) R.C.R. (Criminal) 2751.

I have heard learned counsel for the parties.

The facts in **Saurabh Jain's case(supra)** are not applicable to the facts of the present case. In the case in hand, the petitioner and the complainant remained in relationship for about 09 years.

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 18.12.2018 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.

The petitioner would not extend any influence to the witnesses and would not try to contact the complainant.

January 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No