

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

CRM-M-27312-2019

Date of decision:30.08.2019

MUSTAKEEM

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

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**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

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Present: Mr. Harpal Sidhu, Advocate  
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

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**GURVINDER SINGH GILL, J. (ORAL)**

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.47 dated 21.5.2018 under Sections 376-D, 379-A IPC, Police Station Women Mewat, District Nuh.
2. The FIR was registered at the instance of Afsana who is petitioner's wife wherein she has stated that her marriage was solemnized with the petitioner on 18.2.2018 and that she had stayed at her matrimonial home for about 1-2 weeks. It is alleged that on 17.5.2018 at about 11 p.m. her husband called her and asked her to meet him outside the house and when she went outside to meet him she found her husband Mustakeem standing there with his uncle's son Rashid and both of them raped her. It is further submitted that Rashid also snatched her phone.
3. Learned counsel for the petitioner submitted that a false FIR has been

lodged on account of some matrimonial discord between her and her husband and that the allegations of rape by husband upon his wife do not sound plausible. It is further been submitted that although the alleged occurrence is stated to have taken place on 17.5.2018 but the FIR in question was lodged belatedly on 21.5.2018.

4. Opposing the petition, learned State counsel has submitted that complainant has supported the version recorded in the FIR in her statement recorded in terms of Section 164 Cr.P.C. on 28.5.2018 and in these circumstances the prosecution version cannot be disbelieved at this stage. It has however been informed that the petitioner has joined investigation.
5. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner is complainant's husband and has already joined investigation, the present case is not such which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 25.6.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

**( GURVINDER SINGH GILL )**  
**JUDGE**

30.08.2019  
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**