

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

1. CRM-M No.32578 of 2019

Ikbal

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.37278 of 2019

Moin

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 15th November, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Sunita Gupta, Advocate for
Mr. Mohammad Arshad, Advocate for the petitioners.

Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

Complainant in person along with
Mr. Khalid, Advocate.

FATEH DEEP SINGH, J.

The above detailed anticipatory bail applications filed under Section 438 Cr.P.C. one by petitioner Ikbal and the other by Moin, having arisen out of the same very FIR bearing No.5 dated 04.01.2019 under Sections 323, 452, 384, 376-D, 506 IPC and Section 67(A) of the Information Technology Act, 2000 pertaining to Women Police Station Mewat, District Nuh are being taken up and decided together for the sake of brevity.

The allegations have come about by a married woman aged around 45 years. In her complaint, the complainant alleges that 7-8 months prior to registration of the present case at night time around 10:00/11:00 p.m. when she was sleeping in her house and her husband who was a truck driver was away, accused petitioners entered her house and after gagging her mouth defiled her turn by turn against her wishes and also prepared video of the episode and thereafter started threatening and blackmailing the complainant and on that pretext continued to make physical relations with her and also grabbed money and valuable articles from her, leading to registration of the present case.

Learned counsel for the petitioner Ms. Sunita Gupta, Advocate inter alia contends that the complainant is a mature married lady and was in a consensual relationship with one of the petitioners for a long time and that the petitioners have been falsely implicated in the instant case and that nothing is to be recovered from them.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana, though has not disputed the facts brought before this Court but has vehemently opposed the grant of bail on the grounds of seriousness of allegations.

During the course of interaction, the complainant who has come present before this Court and has been identified by her counsel Mr. Khalid, Advocate, has made statement that she does not object to the grant of relief to the petitioners as they have settled the dispute with each other, and has also filed her duly sworn attested affidavit to that effect.

Appreciating the arguments of the two sides, as per the own stand of the complainant she is a mature married woman and has filed her duly sworn attested affidavit to the effect that she has got registered this case on account of some land dispute and party faction and that she does not have any objection if prayer made by the petitioners is allowed. In view thereof and the fact that nothing is to be recovered from the petitioners, this Court is of the opinion that it would be a travesty of justice to send them in custody in the present case. Accordingly, in the event of arrest, petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). They shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Both the petitions stand disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 15, 2019

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No