

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14299-2020

Date of Decision:25.08.2020

GAURAV

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Lakshay Bajaj, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. B.S.Walia, Advocate
for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

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Through the present petition the petitioner seeks the grant of anticipatory bail in FIR No.19 dated 30.03.2020, registered under Sections 376 and 506 Indian Penal Code, 1860 at Women Police Station Naraingarh, District Ambala.

On 25.06.2020, while issuing notice of motion, this Court had directed that in the event of his arrest, subject to the satisfaction of the Arresting Officer, the petitioner shall be released on interim bail. The petitioner was further directed to join investigation as and when called upon to do so as also to abide by the conditions as provided under Section 438(2) Cr.P.C.

The case of the prosecution as borne out from the FIR is that the complainant is 24 years old and had a emotional, sentimental and physical relationship with the petitioner. However, the petitioner got married with

someone else but even after marriage he continued to have relations with the complainant and one point of time he gave poison to her and then consumed the same himself. In August, 2019 the petitioner came to the house of the complainant and committed rape on her resulting in getting her pregnant.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in present case; the complainant is 24 years of age and is mature enough to understand the implications of entering into an emotional and physical relationship; nothing has been recovered from him; there is no medical evidence to support the allegations made by the complainant in the FIR; in compliance with the interim order passed by this Court he has joined the investigation and has fully cooperated with the investigating agency and that there is an inordinate and unexplained delay in lodging of the FIR.

Learned State counsel submitted that the petitioner has joined the investigation and fully cooperated with the investigating agency and that his custodial interrogation is no longer required.

After considering the totality of the above facts, this Court is of the considered opinion that custodial interrogation of the petitioner is not warranted.

In view of the above, the order of this Court dated 25.06.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

August 25, 2020

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No