

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-17152-2020

Date of Decision:14.08.2020

Suresh Solanki

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Vikas Cuccria, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Subhash Kumar, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of pre-arrest bail to the petitioner in FIR No.301 dated 10.06.2020 under Sections 452, 376, 120-B IPC, registered at Police Station Thanesar Sadar, District Kurukshetra.

On July 03, 2020, this Court had passed the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner relies upon the order dated 26.06.2020 passed in CRM-M-16698-2020 (Shusheela Devi and others Versus State of Haryana).

Notice of motion.

At this stage, Mr. Manish Bansal, DAG, Haryana, appears and accepts notice on behalf of the respondent-State, whereas Mr. Subhash Kumar, Advocate, appears and accepts

notice on behalf of the complainant.

Adjourned to 14.08.2020.

Meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State Counsel, on instructions from SI Naresh Kumar, submits that in the aforesaid FIR, police has already prepared the cancellation report, which is likely to be presented to the court in due course of time.

However, learned counsel for the complainant has submitted that the police has not conducted fair investigation in the case.

Heard learned counsel for the parties.

Since against the cancellation report, the complainant has a right to agitate, she(complainant) can invoke her statutory rights, in accordance with law.

In view of the fact that the police has already prepared the cancellation report in the case, which is likely to be presented to the court in due course of time, the present petition is allowed and the interim bail granted to the petitioner vide order dated July 03, 2020 passed by this Court, is hereby made absolute.

However, in case, the petitioner is required in the case, in any manner, a clear 15 days' notice be given to him.

August 14, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No