

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22524 of 2020

Date of Decision: 1st December, 2020

Mohammad Sakil

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG Haryana.

AVNEESH JHINGAN, J.(oral)

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

This is a petition seeking anticipatory bail in FIR No. 51 dated 16.6.2020 under Sections 313, 323, 376(2)(n), 506 IPC registered at Police Station Women, Yamuna Nagar.

On 13.8.2020, the following order was passed.

" Learned counsel for the petitioner contends that the FIR has been registered with malafide intention, as there was loan transactions between the father of complainant and the petitioner. He refers to the judgment passed by Hon'ble the Supreme Court in *Pramod Suryabhan Pawar vs. The State of Maharashtra and another*, 2019 (4) RCR (Criminal 135 to contend that promise to marry cannot be made a ground to lodge an FIR under Section 376 IPC.

Notice of motion.

On the asking of the Court, Mr. Karan Sharma, AAG, Haryana accepts notice on behalf of respondent-State and Ms. Priyanka Mishra, Advocate, appears on behalf of the complainant. Learned counsel for the complainant states that though there was friendly relationship between father of the complainant and the petitioner and there were loan transactions, but the petitioner had cheated the complainant by making promise to marry her, as he was already engaged with another girl. She refers to the judgment passed by Hon'ble the Supreme Court in **Anurag Soni vs. State of Chhattisgarh**, 2019 (2) RCR (Criminal) 852, wherein it has been held that merely because accused had married with another lady and even prosecutrix has subsequently married, is no ground not to convict the accused.

Adjourned to 01.12.2020.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.

(iv) such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section."

Learned State counsel on instruction from ASI Mukesh Kumari submits that the petitioner has joined investigation and no custodial interrogation is required. However, he submits that the allegations against the petitioner are serious.

Considering that the petitioner has joined investigation and no custodial interrogation is required, the interim bail granted to the petitioner is made absolute.

However, it is clarified that anything observed herein shall not be construed as an opinion on the merits of the case.

The petition stands disposed of.

1st December, 2020
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable:</i>	<i>Yes/No</i>