

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

CRM-M-168-2020

Date of Decision: 06.08.2021.

MANJEET @ MOGA AND ANOTHER

.....Petitioners

V/s.

STATE OF HARYANA

.....Respondent

CORAM: **HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

(Through Video Conferencing)

Present: Mr. S.S. Mor, Advocates,
 for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in case FIR No.436, dated 10.12.2019, lodged under Sections 323, 325, 342, 376, 34 of the Indian Penal Code, 1860 (Section 342 of the IPC has been wrongly typed as Section 32 in the impugned order) registered at Police Station Beri, District Jhajjar Fatehabad, District Fatehabad, Haryana.

Learned counsel for the petitioners has submitted that a concocted case has been foisted upon the petitioners on the allegations that they had caught hold of the complainant's hands and pushed her into a room where she was subsequently sexually assaulted. He has also submitted that the complainant had given an affidavit (Annexure P-2) subsequently, wherein she categorically stated that it was on account of some misunderstanding that she had wrongly nominated the petitioners as accused in the FIR in question.

Learned counsel for the petitioners states that pursuant to order dated 14.01.2020, passed by this Court, the petitioner has joined the investigation. This fact is not disputed by the counsel for the State as well.

Learned State counsel on instructions from ASI Dharmender, states that the petitioner is no longer required for further interrogation.

In view of the aforesaid, the petition is allowed and interim order dated 14.01.2020 is made absolute subject to the conditions laid down in Section 438(2) Code of Criminal Procedure, 1973.

August 6, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

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