

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-7703-2021 (O&M)
Date of Decision: 12.08.2021
(Heard through V.C.)

Sawan Saini

... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. S. S. Dinarpur, Advocate
for the complainant.

JAISHREE THAKUR, J.(Oral)

1. The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No. 190 dated 14.12.2020 under Sections 376(2)(N), 376, 511, 354, 120-B IPC registered at Police Station Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on instructions of this Court dated 18.02.2021, he has joined the investigation. It is also contended that nothing is to be recovered from the petitioner.

3. At this stage, an appearance has been caused on behalf of the complainant. Learned counsel prays that the matter be referred for mediation as there are chances of an amicable settlement between the

parties.

4. The prayer for sending the matter for mediation would not arise in the present case as the dispute *inter se* the parties is not a matrimonial one. The allegations have also been made against the petitioner for offences under Sections 376(2)(N), 376 IPC, which cannot be compromised.

5. Learned State counsel, on instructions from the Investigating Officer submits that the petitioner has joined the investigation and he is not required for the custodial interrogation.

6. In view of the facts that the matter has been investigated qua the petitioner and the petitioner is not required for custodial interrogation and has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 18.02.2021 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

12.08.2021
Seema Goran

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No