

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.6866 of 2020 (O&M)

Date of Decision: April 19, 2021

Ajay Duggal

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. K.D.S.Hooda, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.417 dated 02.08.2019, under Sections 376(2)(n) 406, 420 and 494 IPC, 1860, registered at Police Station, Sadar Hisar, District Hisar. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.02.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Heard.

Counsel for the petitioner inter alia contends that the complainant initially had sought maintenance by contending that the relationship between the parties was consensual, as

such, being a consensual relationship, allegations of rape are not sustainable.

Notice of motion for 07.07.2020.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned counsel for the complainant has opposed the prayer on the ground that the petitioner was already married and did not disclose this fact to the complainant when he performed the marriage with her on 27.03.2019. During the course of hearing, it is not disputed by the learned counsel for the complainant that the complainant was previously married, and her first marriage was dissolved on 04.10.2019, after her marriage with the petitioner.

Learned State counsel, on instructions from L/ASI Usha, has apprised the Court that the petitioner has joined the investigation and is not required for the custodial interrogation for the time being.

After hearing the learned counsel for the parties and considering the above background, but without expressing any opinion on

the merits of this case, the petition is allowed and the interim bail granted by
this Court vide order dated 17.02.2020 is made absolute.

April 19, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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