

CRM-M-32725-2021

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

CRM-M-32725-2021

Date of decision: 03.12.2021

Ravinder

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Deepak Choudhary, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.10 dated 22.01.2021 registered under Sections 328, 376(2) (n), 376-D, 377, 506 IPC (Section 201 IPC added later on) at Police Station Women, District Rewari.

Learned counsel for the petitioner contends that the prosecutrix, aged 29-year, while stepping into the witness-box on 31.08.2021, did not support the prosecution version and was declared hostile. Even as per the allegations, the alleged occurrence took place about one and half years prior to the registration of the above-noted FIR. Still further, the learned counsel contends that Birender, who is the main accused, stands enlarged on bail by the learned Additional Sessions Judge, Rewari, vide order dated 07.09.2021.

On the other hand, learned State counsel, on instructions from

ASI Sunita, opposes the submissions made by the learned counsel for the

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petitioner for the grant of bail. However, the learned State counsel does not dispute the fact that the prosecutrix has been declared hostile, and that co-accused Birender stands enlarged on bail by the learned Additional Sessions Judge, Rewari.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds that the petitioner is not required for custodial interrogation and no useful purpose would, thus, be served by sending him to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

03.12.2021

parveen kumar

Whether reasoned/speaking?

Whether reportable?

(HARNARESH SINGH GILL)

JUDGE

Yes/No

Yes/No