

206-A

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

CRM-M-38754-2021

Date of decision : 29.11.2021

Rakhi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. A.S. Virk, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.239 dated 06.08.2021 registered under Sections 120-B and 384 of the Indian Penal Code, 1860 at Police Station Thanesar City, District Kurukshetra, Haryana.

On 22.09.2021, this Court had passed the following order:-

“CRM-31061-2021

This is an application under Section 482 Cr.P.C. to place on record the accompanying short affidavit of the applicant/complainant and to grant exemption from filing certified and legible copy of Annexure-C/1.

The application is allowed as prayed for and the

short affidavit as well as the accompanying documents are taken on record.

Registry is directed to page mark the paper book.

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In pursuance of the order dated 17.09.2021, the learned State counsel, on instructions from SI Baljeet Singh, has submitted that in fact no complaint dated 01.08.2021 was submitted before the police and only the complaint dated 04.08.2021 was submitted. Thus, the plea of the learned counsel for the petitioner to the effect that the present FIR is a counter-blast to the complaint given by the petitioner does not stand substantiated.

Learned counsel for the complainant's plea that it is the FIR registered by the complainant which is prior in time as the same is dated 06.08.2021, whereas, the FIR registered by the petitioner is dated 07.08.2021, seems to be more weighty.

Be that as it may, it is contended by the learned counsel for the petitioner that even as per the FIR, the complainant had developed friendship with the petitioner and that subsequently, an FIR under Section 376 IPC has also been registered by the petitioner against the complainant. It is also submitted that the bail application filed by the father of the petitioner is listed for 29.11.2021.

Adjourned to 29.11.2021.

*To be heard along with **CRM-M-38414-2021**.*

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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 has submitted that in pursuance of the abovesaid order dated 22.09.2021, the petitioner has joined the investigation.

Learned counsel for the State has submitted that as per the status report, the petitioner has joined the investigation on 28.09.2021 and is not required for further custodial interrogation.

Learned counsel for the complainant has submitted that in this case, the recovery of Rs.2,00,000/- is yet to be effected.

Keeping in view the abovesaid facts and circumstances, moreso the facts which have been noticed in the abovesaid order dated 22.09.2021 and the fact that the petitioner has joined the investigation and is not required for any further custodial interrogation, the present petition is allowed and the interim order dated 22.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No