

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39247-2020

DATE OF DECISION: MARCH 16, 2021

BUNTY @ RAJ KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S.THIND, ADVOCATE FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

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.75 dated 18.8.2020, under Section 323/354-B/376/511/506 IPC, Police Station Women, Manesar, District Gurugram. 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 26.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.75 dated 18.08.2020, registered under Sections 323/354-B/376/511/506 of the IPC at Police Station Women, Manesar, District Gurugram.

Learned counsel for the petitioner relies upon a complaint, given by the mother of the petitioner, against the husband and mother-in-law of the victim and submits that on that account, the present FIR has been registered as a counter blast.

Learned counsel further submits that even a perusal of the FIR shows that the alleged incident happened in an open space, where the daughter of the victim was accompanying her.

Learned counsel for the petitioner, thus, argues that it will be a debatable issue whether offence punishable under Section 376 IPC is made out or not and all the other offences are bailable.

Notice of motion for 16.03.2021.

Meanwhile, in the event of arrest, 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 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 State counsel who is assisted by ASI Monika does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.11.2020 is made absolute.

March 16, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No