

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M- 42959-2019 (O&M)

Date of Decision: 06.09.2021

Suresh Kumar

... Petitioner

VERSUS

State of Haryana and another

.... Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present Mr. Aditya Sanghi, Advocate  
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana  
for respondent No.1 -State.

None for respondent No. 2.

\*\*\*\*

**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No. 52 dated 18.09.2019 under Sections 506, 376 IPC registered at Women Police Station Rewari, District Rewari.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on instructions of this Court he has joined the investigation. It is also contended that nothing is to be recovered from the petitioner. It is also stated that as per the medical test conducted on 23.06.2020, the petitioner has been found to be impotent,

therefore, the question of an offence under Section 376 IPC would not be made out.

Learned State counsel, on instructions from SI Sushila, submits that in terms of order dated 04.10.2019, the petitioner has joined the investigation. State counsel further contended that the medical test has been conducted and the report thereof has been received and the petitioner is not required for any custodial interrogation.

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 04.10.2019 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.

06.09. 2021

(JAISHREE THAKUR)

*seema*

JUDGE

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |