

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

CRM-M-35648 of 2018 (O&M)
Date of Decision: April 01, 2021

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

Mr. G.C. Sharma, Advocate
for the complainant.

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 the event of arrest in FIR No.56 dated 07.07.2018, under Sections 376, 377, 506 of Indian Penal Code, registered at Police Station Women, District Faridabad.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on the direction of this Court, has joined the investigation, therefore, prays for

confirmation of the interim bail allowed to him.

Per contra, learned counsel appearing on behalf of the respondent-State would submit that though the petitioner has joined the investigation, however, there was a car used in the commission of the offence, which was taken into custody on 05.09.2018 and subsequently released on 13.09.2018. It is also submitted that the Investigating Officer had on an earlier occasion inadvertently mentioned that the petitioner was not cooperating as he had not handed over the car in question, which was factually incorrect. Counsel for the respondent-State would submit that as per the reply filed, the petitioner is no longer required.

On the other hand, counsel for the complainant opposes the confirmation of anticipatory bail to the petitioner on the ground that there is a misc. application pending for initiating proceedings under Section 340 Cr.P.C. against the petitioner for stating false facts in the bail petition.

I have heard learned counsel for the parties and in view of the facts that 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 21.08.2018 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.

Registry is directed to separate the proceedings in application (CRM-34724-2018) moved by the complainant under

Section 340 Cr.P.C. and list the same on 05.07.2021.

Pending applications, if any (except CRM-34724-2018),
stands disposed of accordingly.

April 01, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No