

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

203

**CRM-M-237-2022 (O & M)
Date of Decision: 29.07.2022**

JOGINDER

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikram Rathore, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

On 11.02.2022, this Court passed the following order:-

“Learned counsel for the petitioner is seeking concession of anticipatory bail in case FIR No.328, dated 12.11.2021, lodged under Sections 354-D, 506, 509 of IPC (later on added Sections 376(2)(n), 34 of ipc and Section 67 of the IT Act), registered at P.S. Dadri Sadar, District Charkhi Dadri, Haryana (annexed as Annexure P-1).

Learned counsel for the petitioner submits that the FIR in question was registered after an unexplained and abnormal delay of a month, from the date of alleged occurrence. He further submits that the prosecutrix did not level any allegations against the petitioner, much less, name him, while getting the FIR registered. Still further, he submits that it was after five days of the registration of the FIR, that for the first time, the prosecutrix in her statement recorded under Section 164 Cr.P.C. named the petitioner and levelled allegations of rape against him and also alleged that he was in possession of her obscene videos. In support, learned counsel has invited the attention of this Court to the FIR, annexed as Annexure P-1.

Learned counsel thus submits that the aforementioned circumstances, clearly hint at his false implication and a big question mark, is indeed, created about the authenticity of the allegations levelled.

Adjourned to 29.07.2022.

Meanwhile, petitioner is directed to join investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

Upon instructions from ASI Vijaypal, State counsel submits that although the petitioner has joined the investigation, but the mobile from which he allegedly made the obscene videos has not been recovered from him. She has specific instructions to state that the petitioner is no longer required for custodial interrogation.

In view of the above, present petition is allowed and the order dated 11.02.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

Petitioner is directed to furnish an affidavit before the I.O. as well as this Court within a fortnight to the effect that he will not misuse, viral, circulate or upload on the social media, the obscene videos of the prosecutrix, alleged to be in his possession.

29.07.2022
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(SUVIR SEHGAL)
JUDGE

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