

PARAMJEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shobit Phutela, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.471 dated 29.11.2021, registered under Sections 354-B/354-D/506/509 IPC and Section 376 IPC (added later on) at Police Station Urban Estate, Rohtak.

On 11.02.2022, the following order was passed:-

“Learned counsel for the petitioner contends that it was essentially a consensual relationship between two mature adults as would be evident from a perusal of the WhatsApp chat between the parties annexed as Annexure P-3 and the copy of e-mail sent by none other than the prosecutrix to the petitioner as recently as on 27.09.2021 annexed as Annexure P-4.

Learned counsel further contends that even qua the earlier complaint made in 2018 in which a compromise was arrived at, learned counsel submits that a perusal of the aforementioned chats clearly indicates that no pressure was exerted on the prosecutrix and she had been a consenting party throughout. He, thus, submits that it is evident that the prosecutrix, who is in the habit of filing false complaints, is yet again trying to falsely implicate the petitioner for reasons best known to her.

On being put to notice, learned State counsel has not disputed that prior to the registration of the FIR in question, a complaint had been made by the prosecutrix in the year 2018, wherein, a compromise had indeed been arrived at between the parties. She has also not been able to controvert that there were indeed some whatsapp chats between the parties.

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.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from L/ASI Sushila, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 11.02.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

29.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No