

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-2376-2020
Decided on : 11.01.2022

Ashok Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sahil Soi, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. S.K.Tripathi, Advocate
for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.01 dated 04.01.2020 under Sections 328, 354-C, 376(2)(n) and 506 IPC 1860 registered at Police Station Women Police Station Narnaul District Mahendergarh.

Learned counsel for the petitioner states that the petitioner has since joined the investigation and cooperated with the investigating agency in compliance of order dated 30.01.2020, which was passed in the following terms:

“Learned counsel for the petitioner has argued that in fact the relations between the petitioner and the prosecutrix were consensual in nature. He refers to hotel entries made on various dates i.e. 28.06.2019, 10.10.2019, 25.10.2019, 09.11.2019 in Hotel Mehtab, Rewari and submits that even the prosecutrix has made entry under her signatures when the hotel was booked. He further states that there is no allegation against the

petitioner that after the prosecutrix got married, he has committed the act of rape upon her.”

Learned counsel for the complainant has placed on record the statement of the prosecutrix through whatsapp before this Court wherein she had alleged that subsequent to the registration of the FIR, she was being threatened by the petitioner to withdraw the FIR in question. Same is taken on record subject to all just exceptions.

Learned State counsel on instructions from SI Shardha Devi however, submits that the said complaint was inquired into, however, no substance was found in the same. She, on instructions further submits that the petitioner has joined investigation in compliance of order dated 30.01.2020 and is not required for further investigation, much less, custodial interrogation.

Heard learned counsel for the parties and perused the material available on record.

In the wake of instructions received and submissions made by learned State counsel, the present petition is allowed and interim order dated 30.01.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

11.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No