

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

CRM-M-9394-2021
Decided on : 01.02.2022

Salinder Singh & ors.

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parveen Chauhan, Advocate
for the petitioners.

Mr. Karan Sharma, DAG, Haryana.

Mr. G.S.Nahel, 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 petitioners in case FIR No.214 dated 28.10.2020 under Sections 363, 366 IPC 1860 (Sections 328, 342, 376, 506, 120-B IPC added later on) registered at Police Station Babain District Kurukshetra.

Learned counsel for the petitioners states that the petitioners have since joined the investigation and cooperated with the investigating agency in compliance of order dated 01.03.2021, which was passed in the following terms:

“Learned counsel for the petitioners inter-alia contends that the petitioners have been falsely implicated in the case for the reason that petitioner No.1 got married to the complainant's 20 years old daughter without the consent of the complainant; attention of this Court is drawn to photographs (Annexure P-3) which shows petitioner No.1 getting married to complainant's daughter as also both of them living together as husband and wife; petitioner No.1 and complainant's daughter filed a joint petition being CRWP-9058-2020 – Salinder Singh and another vs. State of Haryana and others seeking therein protection of their life and liberty for having got married against the wishes of the complainant side which petition after notice is now listed for 05.04.2021; after the aforesaid petition was filed before this Court, the complainant forcibly took his daughter from petitioner No.1's custody and in this

regard petitioner No.1 got registered a FIR against the complainant under Section 365 IPC; there is no other criminal case in which the petitioners are involved; there is no medical evidence supporting the allegations of rape; marriage certificate dated 28.10.2020 (Annexure P-2) is the proof of marriage between petitioner No.1 and complainant's daughter; the allegations against petitioners No.2 to 4 are absolutely vague and unsubstantiated and that the petitioners are ready and willing to join the investigation as and when called by the Investigating Agency.”

Learned counsel for the petitioner further submits that he has handed over all the documents including the educational certificates and passport of the victim to the investigating agency.

Learned State counsel on instructions from ASI Kailash Kaur does not dispute the factum of the petitioners having joined the investigation. He, on further instructions states that the petitioners are not required for further investigation much less custodial interrogation.

Learned counsel for the complainant, however, submits that the investigating agency has still not handed him over those documents, which have been duly recovered from the possession of the petitioner during investigation.

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

In view of the above, the petition is allowed and interim order dated 01.03.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. The Investigating Agency is directed to hand over those documents, which have been recovered from the possession of the petitioner on an appropriate application being moved by the complainant.

01.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No