

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9763-2022

Date of Decision: 11.05.2022

RAJ SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. B.S.Tewatia, Advocate for the complainant.

* * *

VIVEK PURI, J. (ORAL)

On 08.03.2022, following order was passed:

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No.43 dated 15.02.2022 under Sections 323/354A/506/34 IPC and Section 376 IPC added later on, registered at Police Station Hassanpur, District Palwar.

Briefly, the case has been registered on the basis of the statement of the victim alleging that on 16.01.2022 at about 4:00 p.m, she had gone to attend the call of nature and the petitioner started teasing and forcing upon her. When she raise protest, Lalit @ Golu and Satpal, brothers of the petitioner inflicted injuries upon her.

Learned counsel for the petitioner contends that at the first instance, the case was registered under Sections 323/354-A/506 read with Section 34 IPC. The offence under Section 376 IPC has been added later on on the basis of the statement of victim recorded under Section 164 Cr.P.C. and the said statement has been recorded on 23.02.2022 i.e. after 7 days of registration of the FIR. Moreover, the allegations levelled in the statement under Section 164 Cr.P.C to the effect that the petitioner had been committing rape upon her for a period of seven years on false pretext of marriage are false as the victim/complainant was already married prior to the marriage of the petitioner. Furthermore, the wife of the petitioner had submitted an application contained at (Annexure P2) to the Officer Incharge, Women Police Station, Palwal against the brothers of the victim/complainant on 17.01.2022 and the

present case has been registered as a counter blast to the same.

Notice of motion.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State.

Adjourned to 11.05.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner states that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Ash Mohd. has not assailed the aforesaid factual aspect of the case and has further stated that the custodial interrogation of the petitioner is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 08.03.2022 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

11.05.2022

Janki

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