

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9932-2022

Date of Decision: 11.10.2022

DHARMRAJ @ DHARAMRAJ
VS.

... PETITIONER

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Vimal Kumar Gupta, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

On 09.03.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.344 dated 12.12.2021 under Sections 376, 506 IPC, registered at Police Station DLF Phase-I, Gurugram, District Gurugram, Haryana.

Briefly, as per the allegations in the FIR, the prosecutrix is a divorcee, aged about 31 years. She is having a son aged about 9 years and residing with her mother. On 30.08.2021, his cousin i.e. the petitioner took her on the pretext that his mother is ill and there is function in the house. On the way at about 9:30 p.m., the petitioner committed rape upon her in the dense forest.

Learned counsel for the petitioner states that there is a delay of about 3½ months in lodging the FIR. The petitioner has furnished an affidavit, Annexure P-1 to the effect that she was having friendly relation with the petitioner, who stopped talking with her and in anger she had lodged the FIR. It has further been mentioned that she does not want to initiate any action on the FIR. It has further been argued that the petitioner had been communicating with the prosecutrix on mobile phone which is indicative of friendly relationship. Furthermore, the prosecutrix had refused to get herself medically examined.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts notice on behalf of the State. It has been stated that the prosecutrix had also given the same version as mentioned in the FIR in her statement under Section 164 Cr.P.C. However, it has also not been disputed that the

prosecutrix had refused to get herself medically examined. However, time has been sought to get instructions with regard to the affidavit, Annexure P-1.

Adjourned to 18.07.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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

Learned State counsel, on instructions from SI Saroj, has not disputed the aforesaid factual aspects and further contends that the custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 09.03.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

11.10.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No