

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13147-2022

Date of Decision: 05.08.2022

MOHARPAL SINGH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Sarfraj Hussain, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

On 28.04.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.437 dated 31.12.2021 under Sections 365, 328, 376, 34 IPC, registered at Police Station Punhana, District Nuh.

Briefly, the allegations are to the effect that on 25.11.2021, the prosecutrix went missing from the house and on the basis of the statement of her father, the FIR has been registered on 31.12.2021.

Learned counsel for the petitioner contends that there is a delay of more than one month in lodging the FIR, the prosecutrix has not attributed anything in her statement recorded under Section 161 Cr.P.C. and even has not named the petitioner in the statement under Section 164 Cr.P.C. In the statement under Section 164 Cr.P.C. there is only allegation to the effect that Gulla, co-accused along with two friends came to her and intoxicating substance was administered to her by Gulla. The allegations of commission of rape and abduction have not been attributed against the petitioner.

Learned State counsel has pointed out that the name of the petitioner has emerged in the disclosure statement of Rameshwar @ Gulla, co-accused and the petitioner along with the co-accused had taken the prosecutrix on a motor-cycle.

It may be mentioned here that the name of the petitioner does not find mention in the statement of the prosecutrix and even no specific role has been assigned to him.

Adjourned to 05.08.2022.

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 Naresh Kumar, has not assailed 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 28.04.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

05.08.2022
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(VIVEK PURI)
JUDGE

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