

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-15889-2022

Date of decision : 30.08.2022

Jaspal @ Bittu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Manoj Kaushik, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

Mr.J.S.Thind, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.79 dated 20.03.2022 registered under Section 346 IPC (Sections 376, 365 and 419 IPC added later on) at Police Station Kalanwali, District Sirsa.

On 20.04.2022 this Court had passed the following order: -

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case at the behest of the prosecutrix's husband for the reason that he and the prosecutrix were having an affair; the petitioner has no other criminal case pending against him; the prosecutrix, who is a 36 years old lady, voluntarily entered into a relationship with the petitioner and therefore at this stage cannot be allowed to complain of rape; the prosecutrix refused to get herself medically examined and as a result thereof there is no medical evidence on record to support the allegations of rape/beatings; there is overwhelming evidence on record in the form of recorded telephonic conversation between the petitioner and the prosecutrix in which she has admitted that the accusation against the petitioner of rape is being made by her on account of emotional blackmailing by her husband; no recovery is to be made from the petitioner; on 20.03.2022 the petitioner and the prosecutrix voluntarily stayed in a hotel at Bathinda showing consensual relationship between them and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr.Sumit Jain, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 30.08.2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.79, dated 20.03.2022, registered under Sections 346, 376, 365, 419 IPC at Police Station Kalanwali, District Sirsa, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the above submissions made on behalf of the petitioner as recorded in the afore quoted order and the afore-referred statement made by learned State counsel, the order of this Court dated 20.04.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

30.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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