

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 202)

CRM-M No. 18968 of 2022

Date of decision : 12.09.2022

Mukesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Amit Choudhary, Advocate for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.
Mr. Sanjeev Kumar, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 20 dated 19.03.2022 registered under Sections 354, 376(2)(n) and 376-D IPC (Section 384 and 450 IPC added later on) at Women Police Station, Fatehabad, district Fatehabad.

On 06.05.2022, 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 complainant with whom he had consensual relations which later turned sour; the petitioner and the complainant who are both major, entered into a consensual relationship; such relationship was entered to by the complainant with her eyes open and therefore she now cannot complain that the petitioner raped her; the allegation of rape on 06.12.2021 is

absolutely false in the light of telephone conversations (Annexure P-2) and whatsapp messages (Annexure P3) exchanged between the parties even thereafter; there is no medical evidence to support the allegation of rape; the allegation with regard to the petitioner having made a video of the complainant is absolutely false; in any case the petitioner undertakes to handover his phone and other electronic equipment that he may own/possess to the police for investigation purposes 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 and Mr.Gaurav Jain, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 12.09.2022.

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.20, dated 19.03.2022, registered under Sections 354, 450, 376(2)(n), Section 376-D IPC at Police Station Women, District Fatehabad, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the

State, the interim order of this Court dated 06.05.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

12.09.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No