

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-19754 of 2022
Date of decision:13.09.2022

Yogesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Jasneet Mehra, Advocate for
Mr. Amrainder Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

On 10.05.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C seeking grant of pre-arrest bail to the petitioner in case FIR No.0298 dated 17.11.2021 registered under Sections 6, 12, 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 of Indian Penal Code, 1860, however, subsequently, Sections 376(2)(n), 323, 328, 406 IPC were added, at Women Police Station, NIT, Faridabad, District Faridabad (Annexure P-1).

Counsel for the petitioner contends that there is no allegation of sexual assault against the petitioner. She submits that prosecutrix was in an affair with co-accused Dinesh, whom she married on 25.06.2021 and the FIR (Annexure P-1)

has been registered after the marriage went sour. By referring to the petition filed under Section 9 of Hindu Marriage Act, 1955 (Annexure P-4), counsel submits that co-accused Dinesh has filed a petition seeking restitution of conjugal rights. Still further, she submits that as per the allegations levelled in the FIR, the petitioner is accused of making video when co-accused, Dinesh was raping her.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Upon instructions received from L/PSI Hem Lata and by referring to the statement of the prosecutrix recorded under Section 164 Cr.P.C., she submits that prosecutrix has even not named the petitioner in her statement.

List on 13.09.2022.

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

Upon instructions from L/PSI Hem Lata, State counsel submits that petitioner has joined investigation and he is no longer required for

custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 10.05.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

September 13, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>