

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-19823-2022

Date of decision : 06.09.2022

Kamal Vinayak @ Kamal Vinaik

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.97 dated 22.04.2022 registered under Sections 354-C, 376(2)(n) and 506 IPC at Women Police Station, Yamuna Nagar, District Yamuna Nagar.

On 25.05.2022 this Court had passed the following order: -

“Learned State counsel as also learned counsel for the complainant pray for time to file their respective replies.

Permitted to do so.

Adjourned to 06.09.2022.

Seeking ad-interim anticipatory bail, learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case because the relations between the petitioner and the complainant went sour; the petitioner has no other criminal case pending against him; at an earlier point of time, the complainant had filed a similar complaint with the police which was later withdrawn by her but only after she had filed an affidavit through which she had specifically stated that the relations between the petitioner and the complainant were consensual with no element of force having been applied by the petitioner; on 09.10.2021, the complainant had also made a statement before the police with regard to the consensual relations between the petitioner and the complainant; in any case, the petitioner and the complainant were adults in a consensual relationship and the petitioner cannot be faulted for rape after such relations were strained and that the petitioner is also ready and willing to join and cooperate with the investigation.

After considering the afore submissions made on behalf of the petitioner, it is directed that till the adjourned date, 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.97, dated 22.04.2022, registered under Sections 354-C, 376(2)(n), 506 IPC at Women Police Station Yamuna Nagar, District Yamuna Nagar, 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 25.05.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

06.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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