

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201-3)

CRM-M-41332-2018

Date of decision: - 19.01.2022

Richa Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Diljit Singh Ahluwalia, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Manish Soni, Advocate and
Mr. Abhilaksh Grover, Advocate
for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 439(2) Cr.P.C. for setting aside of order dated 11.09.2018 (Annexure P-18), passed by Additional Sessions Judge, Gurugram, passed in bail application No.299 dated 10.09.2018, under Section 439(1) Cr.P.C. in FIR No.103 dated 16.08.2018 (Annexure P-4), registered under Sections 323, 377, 506 and 509 IPC, at Police Station Women Police Station, Sector 51, District Gurugram.

Learned counsel for the petitioner has submitted that vide order dated 11.09.2018 (P-18), respondent No.2 was granted regular

bail in the above-said FIR. It is submitted that the limited grievance of the petitioner in the present case is that the said bail was granted without imposing any condition upon respondent No.2 (petitioner therein). It is also submitted that a Co-ordinate Bench of this Court, vide order dated 20.09.2018, had imposed certain conditions upon respondent No.2 and the petitioner would not press the present petition in case the said conditions are made a part of the order dated 11.09.2018 (P-18) granting bail to respondent No.2.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have submitted that they have no objection to the said course of action keeping in view the fact that Additional Sessions Judge, Gurugram had granted regular bail to respondent No.2 in the FIR in question.

This Court has heard learned counsel for both the parties and has perused the paper-book.

On 20.09.2018, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“Heard.

Learned counsel for the petitioner prays for setting aside the order dated 11.09.2018 whereby regular bail has been allowed to respondent No.2. It is contended that despite the fact that his anticipatory bail application has been dismissed on 05.09.2018 and subsequently, regular bail has been dismissed on 09.09.2018 and despite noticing that there was no change of circumstances, regular bail has been allowed to respondent No.2 by the impugned order 11.09.2018, that too, without imposing any condition.

Notice of motion.

At this stage, Mr. P.P. Chahar, DAG Haryana, accepts notice on behalf of respondent No.1-State. Let sufficient number of copies of the petition be served upon him during the course of the day.

Notice to respondent No.2 for 14.11.2018.

Dasti as well.

In the meantime, the impugned order dated 11.09.2018 is modified to the extent that the said regular bail allowed to respondent No.2 is subject to the following conditions that:-

(i) that respondent No.2 shall not commit an offence similar to the offence of which he is accused or of the commission of which he is suspected,

(ii) that respondent No.2 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer,

(iii) that respondent No.2 shall not leave India without the previous permission of the Court, or

(iv) that respondent No.2 shall not threaten, criminally intimidate or directly or indirectly make any contact with the complainant in any manner whatsoever.”

A perusal of the above-said order would show that order dated 11.09.2018 (P-18) was modified by incorporating the four conditions reproduced hereinabove during the pendency of the present petition.

In view of the statement of learned counsel for the parties, the present petition is disposed of with the observation that in the order dated 11.09.2018 (P-18) passed by Additional Sessions Judge, Gurugram, granting bail to respondent No.2, the following conditions would stand

incorporated : -

- (i) that respondent No.2 shall not commit an offence similar to the offence of which he is accused or of the commission of which he is suspected,
- (ii) that respondent No.2 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer,
- (iii) that respondent No.2 shall not leave India without the previous permission of the Court, or
- (iv) that respondent No.2 shall not threat, criminally intimidate or directly or indirectly make any contact with the complainant in any manner whatsoever.

With the above-said modification in the impugned order, the present petition stands disposed of.

January 19, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No