

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

**CRM-M-50094-2018
Date of decision: 22.08.2022**

GURJIT SINGH @ SONU AND ORS

....Petitioner(s)

Versus

STATE OF HARYANA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Vivek Lamba, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.116 dated 19.09.2018 under Sections 328, 342, 376-D, 506, 120-B of IPC registered at Police Station, Women Police Station, Narnaul, District Mahendergarh, Haryana and all the consequent proceedings arising therefrom against the petitioner.

Learned counsel for the petitioner has argued that this petition primarily is filed on the ground that no case under Section 376 IPC is made out. He has submitted that the prosecutrix herself has admitted the marriage with Vikram. However, after registration of the FIR Vikram committed suicide. He further submits that after the death of Vikram the prosecutrix herself is facing prosecution under Section 306 IPC, which is under trial.

However, learned State Counsel submits that there are specific allegations against the petitioner and the case is still under investigation.

The counsel for the petitioner after arguing for sometime before this Court admitted that the matter is still under investigation. He fairly submits before the Court that he may be allowed to withdraw this petition at this stage with liberty to avail his remedies as available under the law. He has further submitted that as his petition is pending since 2018 and investigation was stayed and on account of the same the petitioners did not file any application for grant of bail. He further submits that keeping in view the facts and circumstances of the case, some time period be granted to the petitioners to enable them to avail remedy of seeking bail. He further submits that the concerned Superintendent of Police be directed to look into the investigation of this case.

Learned counsel for the complainant has also stated that due to stay of the investigation the proceedings are stalled.

After hearing counsel for the parties, this Court finds that prayer made by the counsel for the petitioner is fair and reasonable. In view of the same the petition is dismissed as withdrawn with liberty to the petitioners to avail remedies as available to them under law. However, as the investigation itself was stayed by this Court the petitioners did not have any apprehension of arrest. Now after withdrawing of this petition, the said apprehension of arrest would be there. So keeping in view the above facts the petitioners are granted protection from arrest for 15 days from the receipt of the copy of this order to enable them to file an application for seeking anticipatory bail. Superintendent of Police, Narnaul is directed to supervise the investigation of this case and ensure expeditious investigation.

Disposed of in above mentioned prayers.

(RAJESH BHARDWAJ)
JUDGE

22nd August, 2022
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