

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

214

CRM-M-26644-2022 (O & M)
Date of Decision: 25.08.2022

ANKIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Atul Pratap Dhankar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Mr. Pardhuman Garg, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama in Court, which is taken on record.

On 15.06.2022, this Court passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C., for the grant of anticipatory bail to the petitioner in a case registered against her vide FIR No.17 dated 10.04.2022, under Sections 354-D, 376 (2) (n), 450, 506 of IPC with Police Station Sirsa, District Sirsa.

Learned counsel for the petitioner contends that this is the case of consent as appears from the FIR. In fact, the husband of the prosecutrix had beaten up the petitioner and taken his photographs while being beaten up in a naked state, on account of the fact that the petitioner was involved with the prosecutrix. He further contends that the petitioner is 24 years of age and he is married and the prosecutrix is of 25 years of age and married, therefore, the allegations of rape are completely baseless.

Notice of motion for 25.08.2022.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 25.08.2022 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) That the petitioner shall make himself available for interrogation before the investigating officer as and when required;

- (ii) That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the
- (iii) facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iv) That the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.”

Counsel for the petitioner submits that the petitioner has joined the investigation. He contends that the statement of the prosecutrix recorded under Section 164, Cr.P.C., is at variance with the allegations levelled by her in the FIR.

Upon instructions from L/ASI Ompati, State counsel affirms that the petitioner has joined the investigation and submits that he is no longer required for custodial interrogation. Still further, she submits that the mobile phone of the petitioner is in the possession of the Investigating Agency in FIR, Annexure P-2.

In view of the above, but without commenting upon the allegations levelled in the FIR, present petition is allowed and the order dated 15.06.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

Since an apprehension has been expressed by the counsel for the prosecutrix that the petitioner possesses the copies of objectionable photographs and material pertaining to the prosecutrix, petitioner is directed to furnish an affidavit to this Court as well as to the I.O., within a period of 10 days, to the effect that he will not misuse, viral, circulate or upload on the social media, the objectionable material of the prosecutrix, alleged to be in his possession.

25.08.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No