

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28143-2022

Date of Decision: 29.09.2022

LAKHVIR SINGH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Deepak Kaushal, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. P.S.Jammu, Advocate,
for the complainant.

VIVEK PURI, J.(ORAL)

On 09.08.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No.30 dated 15.06.2022 registered under Sections 328, 376, 450 and 506 IPC at Women Police Station Sirsa.

Learned counsel for the petitioner contends that as per the allegations, the petitioner was on friendly terms with the husband of the prosecutrix and was on visiting terms. In the month of January, he had administered some intoxicating material to the prosecutrix, which rendered her unconscious and he had sexual intercourse with her. It has been further argued that for a period of 15 days, the prosecutrix remained silent. Thereafter, it has been alleged that the petitioner threatened her not to disclose the incident to anyone as he had taken her photographs at the time of occurrence. The FIR has been lodged after a delay of about 6 months. However, there is nothing on record to suggest as to what prevented the prosecutrix to report the matter or share the incident with her husband for a period of 15 days from the day of occurrence as the allegations with regard to photographs being in possession of the petitioner and threat having been extended on that score have been levelled after a period of 15 days from the day of occurrence. Moreover, the allegations are not supported with any medical evidence.

Notice of motion.

Ms. Trishanjali Sharma, DAG Haryana, who is present in the Court, accepts notice on behalf of State of

Haryana and seeks time to file reply in the matter.

Mr.Paramjit Singh Jammu, Advocate filed Vakalatnama on behalf of the complainant and submitted that the petitioner is posting threatening messages on social media. However, it has been admitted that, till date, no such intimation has been given to the investigating agency.

Adjourned to 29.09.2022.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Darshana, has not disputed the aforesaid factual aspect(s) and further contends that the custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 09.08.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

29.09.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No