

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-32443-2021
Decided on : 11.01.2022

Kapil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Devender Arya, Advocate
for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.261 dated 15.07.2021 under Section 376, 452, 506, 346 IPC 1860 registered at Police Station Kanina District Mahendergarh.

Learned counsel submits that the petitioner and the prosecutrix were in a consensual relationship, which is evident from the fact that she alongwith her children was found missing from her home by her husband i.e. complainant on 13.07.2021 and it was only two days later he filed the FIR in question. While inviting the attention of the Court to the contents of the FIR (Annexure P-2) he submits that therein as well, the complainant had raised a suspicion that his wife i.e. the prosecutrix had been lured away by the petitioner. Learned counsel submits that the delay of two days in the lodging of the FIR from the date when the prosecutrix went missing coupled with the fact that the complainant had also raised a suspicion qua the involvement of the petitioner in the disappearance of his wife, left no

manner of doubt that it was not a case, wherein the prosecutrix, who admittedly is a mature adult had been enticed away and thereafter, raped by the petitioner. Still further, learned counsel submits that the prosecutrix allegedly remained with the petitioner for as long as 14 days, but not even once did she raise any hue & cry. Learned counsel further submits that in compliance of the order dated 03.09.2021, the petitioner had joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by counsel for the complainant on instructions from L/ASI Sanju, does not dispute the factum of the petitioner having joined the investigation. She, on further instructions states that the petitioner is not required for further investigation much less custodial interrogation.

Resultantly, the petition is allowed and interim order dated 03.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

11.01.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No