

CRM-M-36975-2021

Date of decision: 21.02.2022

AJAD @ AIJAJ

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

(The case has been taken up through video conferencing on account of Covid-19 Pandemic).

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 40 dated 18.08.2020, registered under Sections 376/506 IPC, 1860, at Women Police Station Nuh, District Nuh.

On 08.09.2021, the following order was passed:-

“Counsel for the petitioner herein prays for grant of anticipatory bail to the petitioner in the FIR registered under Sections 376, 506 IPC. It is contended that in an affidavit dated 28.09.2020, the complainant had affirmed that she had wrongly mentioned the name of the petitioner as a person who had committed the offence under Section 376 IPC upon her and it is on this basis, he had been kept in column No.2. It is argued that the matter has been investigated and the complainant herself affirmed the said affidavit, as such, his custodial interrogation would not be required. It is submitted that the petitioner has now been summoned under Section 319 Cr.P.C.

Notice of motion.

At this stage, Ms. Mahima Yahspal, DAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. She, on instructions from SI Sunil, affirms that an affidavit had been furnished by the complainant exonerating the petitioner

herein.

Adjourned to 21.02.2022.

In the meantime, arrest of the petitioner is stayed for a period of two weeks. The petitioner is directed to join the proceedings before the trial court within the period of two weeks and on his doing so, the trial court is directed to release him on interim bail subject to his furnishing bail bond and surety bonds to its satisfaction. It is made clear that in case, the petitioner herein fails to join the proceedings within the stipulated period, any interim protection granted to the petitioner shall stand automatically vacated.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the proceedings before the learned trial Court on 09.09.2021 and has been admitted on interim bail.

On instructions from Sub-Inspector Sobha, learned State counsel has not assailed the aforesaid factual aspects and further states that the petitioner has been summoned under Section 319 Cr.P.C and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 08.09.2021, granting interim bail to the petitioner is made absolute. However, the petitioner shall furnish fresh bail bonds to the satisfaction of the trial Court within a period of thirty days.

Furthermore, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

21.02.2022
renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No