

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

201

CRM-M-32614-2020

Date of Decision:10.02.2022

SUMIT KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nagar Singh, Advocate for
Mr. Anirudh Singh Shera, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.205 dated 15.09.2020, Annexure P-1, registered under Section 346 of IPC, 1860, (Sections 343/376/506 IPC were added later on) at Police Station B.P.T.P., District Faridabad.

Criminal law was set in motion on the basis of complaint by the husband that his wife is missing.

Counsel for the petitioner has contended that the prosecutrix, who is the wife of the complainant was in an extra-marital affair with the petitioner. He has referred to the photographs, Annexure P-3, to fortify his submission. He submits that the victim left her matrimonial home of her own free will, stayed with the petitioner in a hotel and 04 days later recorded her statement under Section 164 Cr.P.C. implicating the petitioner. Counsel submits that pursuant to interim order passed by this Court, petitioner has joined the investigation and is no longer required for custodial interrogation.

This fact has been verified by the State counsel, who also submits that as per instructions received by her from ASI Rakesh, the petitioner is not involved in any other criminal case.

Heard counsel for the parties.

While granting interim protection to the petitioner on 14.10.2020, this Court passed the following order:-

“Counsel for the petitioner prays for grant of anticipatory bail to the petitioner on the ground that the allegations as set out in the FIR are patently false. He would rely upon photograph Annexure P-3 to establish that they were in consensual relationship. It is also argued that the prosecutrix, who was in the company of the petitioner from 14.09.2020 to 18.09.2020, has refused to get herself medically examined. It is also contended that the petitioner has been falsely implicated in the present case and he is ready to join the investigation.

Notice of motion.

At this stage, Ms. Deepshikha Chauhan, AAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Adjourned to 22.02.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Keeping in view the fact that the petitioner has joined the investigation and is no longer required for custodial interrogation, the present petition is allowed and the order dated 14.10.2020 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.

10.02.2022

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(SUVIR SEHGAL)
JUDGE

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