

211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34330-2022

Date of Decision: 10.11.2022

DATA RAM SHARMA

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Munish Garg, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. S.H.Ansari, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

On 04.08.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.308 dated 30.06.2022, registered under Sections 376/313/406/34 IPC, 1860 at Police Station Kheri Pul, District Faridabad.

Learned counsel for the petitioner contends that the prosecutrix had created a profile on jeewansathi.com and accordingly, the matrimonial alliance with the petitioner was finalized. The prosecutrix has levelled false allegations to the effect that sexual intercourse was performed on the false pretext of marriage. Even, at the earlier instance, the prosecutrix has submitted a complaint to the police but the matter was amicably settled. The prosecutrix had received a sum of Rs.75,000/- from the brother of the petitioner and given an undertaking dated 25.02.2022 (Annexure P-2). She had further sworn an affidavit Annexure P-3 on the same date wherein it has been stated that the misunderstandings between the parties have been sorted out and the compromise has been effected. Even, as per the allegations, the marriage of the petitioner has been solemnized with the prosecutrix on 14.03.2022. It has been further argued that after solemnization of the marriage, the petitioner and the prosecutrix has also gone for honeymoon. The marriage is still subsisting. Even, there is no record to indicate termination of pregnancy on account of administration of any deleterious substance. Even, the allegations with regard forcible intercourse are not supported with any medical evidence.

Notice of motion.

Ms. Trishanjali Sharma, DAG, Haryana on accepts notice on behalf of the respondent-State.

Adjourned to 13.10.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

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 PSI Asha, has not disputed the aforesaid factual aspect and further submits that 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 04.08.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

10.11.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No