

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

208

CRM-M-47462-2021

Date of Decision:08.03.2022

AJIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vishwajeet Singh, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

On 29.11.2021, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.665 dated 02.09.2021 registered under Sections 376 and 323 of Indian Penal Code, 1860 at Police Station Camp Palwal, Tehsil and District Palwal.

Counsel for the petitioner submits that though the prosecutrix has levelled allegations of allurement on the pretext of marriage and of forcible physical relations, which is supported by her statement, recorded under Section 164 Cr.P.C. but by referring to the live-in-relationship deed dated 29.09.2020 (Annexure P-1) as well as affidavits (Annexures P-2 & P- 3) executed by the petitioner as well as the complainant, counsel submits that the prosecutrix stayed with the petitioner of her own free will for 11 months before lodging of the FIR. He has also made a reference to the complaints (Annexures P-4 & P-5) submitted to the police authorities, wherein, the prosecutrix has stated that she left her husband and children as her husband was physically assaulting her and she is staying with the present petitioner. Still further, on the basis of the statement made by the

prosecutrix on 30.08.2021 (Annexure P-7) before the Incharge, Police Station Mindkola, counsel urges that a compromise had been arrived at between the prosecutrix and the petitioner after they fell apart and the prosecutrix did not allege forcible physical relation between the two. It is his argument that the FIR, in question, is an afterthought.

List on 08.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

The statement of the prosecutrix recorded under Section 164 Cr.P.C. which has been produced in a sealed cover and has been perused by the Court, is ordered to be returned to the State counsel in a sealed cover against proper receipt.”

Upon instructions from ASI Renu, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the said facts, the present petition is allowed and the order dated 29.11.2021 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.

08.03.2022
sheetal

(SUVIR SEHGAL)
JUDGE

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