

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M-48558-2021

Date of decision:- 22.03.2022

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mahavir Singh, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana for State-respondent.

Mr. Virender Soni, Advocate for the complainant.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

On 21.12.2021, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.568 dated 20.10.2021 registered for offence under Sections 457, 376, 511, 506 and 34 of the Indian Penal Code, 1860 at Police Station Sampla, District Rohtak.

Counsel for the petitioner contends that though allegations have been levelled in the FIR against the petitioner and co-accused, Sanjay alias Kala, of attempting to rape the complainant-prosecutrix, yet, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, the prosecutrix has not named anyone. By referring to the MLR, Annexure R-1, appended with the status report filed by way of an affidavit of Deputy Superintendent of Police (Headquarter), Rohtak, counsel submits that the prosecutrix refused her medical examination and also refused to give any sample. It is his argument that even in the history/brief discription recorded on the MLR, on narration of the prosecutrix, she has not named any accused. Counsel submits

that the petitioner was released on interim bail by the learned Special Judge, Rohtak vide order dated 02.11.2021, Annexure P-1, however, the anticipatory bail petition was dismissed vide order dated 09.11.2021, Annexure P-4, on the ground that Ravinder @ Rinku, brother of co-accused, Sanjay @ Kala (who has since been declared innocent) had extended threats to the complainant. Counsel urges that the petitioner has been falsely implicated on account of past enmity and litigation between the parties is going on. He submits that the petitioner is ready to join investigation and co-operate with the Investigating Agency.

List on 22.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for by the Investigating Officer. 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.”

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

In view of the above, order dated 21.12.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

(SUVIR SEHGAL)
JUDGE

22.03.2022
Kamal

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