

CRM-M-53419-2021

Date of decision: 30.08.2022

RAJESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Raghav Sharma, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

On 07.01.2022, the following order was passed:-

“Mr. Raghav Sharma, Advocate, has filed his vakalatnama on behalf of the prosecutrix; Be kept on record.

Petitioner is seeking anticipatory bail in case bearing FIR No.449, dated 19.10.2021, under Sections 323, 376(2) N and 377 of the IPC, registered at Police Station Taraori, District Karnal (P-1).

Briefly, the FIR has been registered on the allegations that on false promise of solemnizing marriage, the petitioner had developed illicit relationship with the prosecutrix. Later on, it was revealed that the petitioner was already married and father of two children.

Learned counsel for the petitioner has relied upon Agreement of Live-in-Relationship (P-2), wherein it has been specifically mentioned that the prosecutrix as well as the petitioner were married, having children and had entered into live-in-relationship with their own consent. Learned State counsel has stated that authenticity of the said Agreement is yet to be looked into.

Adjourned to 28.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner

shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Rajan, learned State counsel also states that the petitioner has joined the investigation and his custodial interrogation is not required. However, it has been submitted that the authenticity of the agreement of live-in-relationship dated 18.08.2021 (Annexure P-2) has been verified and the prosecutrix had stated that the signatures were fraudulently procured on the score that the marriage is required to be registered.

It has not been disputed that the petitioner as well as the prosecutrix were having subsisting marriage. Furthermore, the existence of signatures of the prosecutrix on the live-in-relationship agreement have not been sought to be disputed. The petitioner has joined the investigation in pursuance of interim directions issued by this Court.

In view of the aforesaid submissions, the order dated 07.01.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

30.08.2022
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(VIVEK PURI)
JUDGE

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