

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6720-2023

Date of Decision: 03.07.2023

RAHUL

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Nain, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Pardeep Panwar, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 20.03.2023, following order was passed by the Co-ordinate

Bench:

“This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No.13 dated 14.1.2023 under Sections 376 (2)(n) and 506 IPC registered at Police Station Sector 14, District Gurugram.

Learned counsel for the petitioner contends that pursuant to the last order, the petitioner handed over his mobile phone to the Investigating Officer. Besides, the matter has been settled with the complainant. The petitioner is ready and willing to join the investigation and cooperate with the Investigating Agency. He seeks time to place on record the settlement arrived at between the parties.

Adjourned to 3.7.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

2. Status report by way of affidavit of Kapil Ahlawat, Assistant Commissioner of Police, Old Gurugram on behalf of the State has been taken on record.

3. Learned counsel for the petitioner contends that the allegations against the petitioner with regard to commission of rape are more than 1½ years' old and as such, cannot be believed. The FIR has been lodged without any preliminary enquiry on the date of receipt of the complaint itself. In pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from L/ASI Sonika, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 20.03.2023 is made absolute.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No