

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7407-2023

Date of Decision: 11.10.2023

PARTEEK

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Singla, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Ashish Grewal, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 28.07.2023, following order was passed:

“ 1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.18 dated 07.01.2023 registered under Sections 376(2)N/313/323/377 IPC at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel for the petitioner contends that the prosecutrix is aged about 30 years and is a married lady. The petitioner is also a married person. Both of them had been working in Super 99 Store wherein CCTV cameras have been installed in a manner that it covers the entire area of the store. The prosecutrix has levelled false allegations against the petitioner with regard to commission of forcible sexual intercourse in the premises of the Store 99 Store/Mall. The petitioner as well as prosecutrix are married persons and as such, the petitioner could not have solemnized marriage with her. The prosecutrix has putforth a false case with regard to commission of sexual intercourse on the false pretext of marriage. The prosecutrix is aged about 30 years and even, at the earlier instance, she had submitted a complaint against the petitioner. During the course of an enquiry, she had submitted an affidavit dated 20.08.2022 (Annexure P-2) which indicates that the petitioner and the prosecutrix were having consensual physical relationship. The allegations with regard to administration of medicine which

resulted in miscarriage are not supported with any medical evidence.

3. Adjourned to 11.10.2023.

4. 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.”

2. Status report by way of affidavit of Kanwaljeet Singh, Deputy Superintendent of Police, Yamuna Nagar on behalf of the State has been taken on record.

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

4. Learned State counsel, on instructions from ASI Sushma, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

5. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.07.2023 is made absolute.

11.10.2023

Janki

(VIVEK PURI)
JUDGE

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