

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9318-2023 (O&M)
Date of Decision : 05.07.2023

Anil SharmaPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S.Randhawa, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0027 dated 14.01.2023 registered under Sections 328, 376(2)(N), 377, 34, 120-B of the Indian Penal Code, 1860 at Police Station Gharaunda, District Karnal (Haryana).

2. On 27.02.2023 the following order was passed :

“This is a petition for grant of pre-arrest bail in case FIR No.0027 dated 14.01.2023 under Sections 328/376(2)(N), 377, 34, 120-B of the Indian Penal Code, 1860 registered at Police Station Gharaunda, District Karnal (Haryana).

Learned counsel for the petitioner contends that the petitioner and the complainant married against the

wishes of her father. They approached this Court for protection of their life and liberty, and the petition was disposed of by this Court issuing appropriate directions vide order dated 23.05.2022 (Annexure P-5).

The complainant is present in Court alongwith counsel, who states that she wishes to withdraw the complaint that was made only under pressure exerted by her father. She has no grouse against the petitioner or other persons mentioned therein.

Notice of motion.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent – State. Mr. Naveen Kashyap, Advocate has put in appearance on behalf of the complainant.

Adjourned to 05.07.2023.

In the meantime, 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.”

3. Learned counsel for the petitioner would contend that the petitioner has since joined the investigation and fully cooperated.

4. Learned counsel for the State, on instructions from ASI Suman, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now. Learned counsel further states that in fact a cancellation report has also been prepared.

5. In view of the above, the order dated 27.02.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

05.07.2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO