

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:070630

CRM-M-12027 of 2023

Date of Decision: 16.05.2023

Lukman

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vinay Kumar Pandey, Advocate
for the petitioner
Ms. Dimple Jain, DAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 20.04.2023, following order was passed by this

Court:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 557 dated 17.12.2021, under Sections 323, 354-D, 376E and 506 of IPC, registered at Police Station, Sadar Nuh, District Nuh.

Verification report dated 19.4.2023, Copies of Statement of victim under Section 164 Cr.P.C. (Annexure R-1), Maksood (Annexure R-2), Notary Public (Annexure R-3) and typist Hamid Sidaquee (Annexure R-4) are taken on record. Registry is directed to tag the same at an appropriate place.

As per verification report prepared by the investigating officer, Maksood son of Khurshid resident

of Mangala Highway Mathura UP had executed affidavit dated 21.03.2023. He in his statement has confirmed that prosecutrix had left him because she was in love with Lukman. The execution of affidavit has been further confirmed by Notary Public as well as typist who had typed the affidavit.

In the case in hand, FIR was registered on 17.12.2021 and petitioner has already joined investigation which is evident from the fact that he had given his blood samples. By order dated 24.3.2023, the investigating officer was directed to refrain from taking any coercive steps against the petitioner, however, there was no direction to join investigation. The FIR in question was registered on 17.12.2021 and he is not absconding, thus, it appears that it would be in the fitness of things and interest of justice if the petitioner is directed to join investigation.

Mr. Sales Ahmed, Advocate, filed vakalatnama on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Adjourned to 16.05.2023.

In the meantime, the petitioner is directed to appear before investigating officer on 24.04.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would

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appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

2. Learned State counsel on instructions from Lady ASI Asha Rani submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 20.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

**(JAGMOHAN BANSAL)
JUDGE**

16.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No