

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12369-2023
Date of Decision: 03.07.2023

HANUMAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Ashit Malik, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 14.03.2023, following order was passed by the Co-ordinate

Bench:

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.02 dated 02.01.2023 under Sections 376, 506 IPC and Section 67A of the Information Technology Act, 2000, registered at Police Station, Civil Lines, Bhiwani.

As per allegations in the FIR, negotiations to solemnize marriage between the petitioner and the complainant started in July 2021. During that time the petitioner allegedly used to have obscene talks with the complainant, and raped her also on 06.04.2022 by calling her to a hotel, where he had already booked a room. He also extended threat to kill her.

Learned counsel for the petitioner contends that the petitioner is serving in the Indian Army as Constable. The only reason for lodging of the FIR is that the complainant's father was not happy with the petitioner's proposed matrimonial alliance with her daughter. The allegations on the face of it are not believable as the same have been levelled after more than nine months of the alleged incident. It is also submitted that out of vengeance another FIR was lodged against the petitioner's brother, i.e., FIR No.509 dated 06.09.2022 under Section 506 IPC by the same

complainant; the accused therein has been admitted to anticipatory bail by the trial Court vide order dated 20.09.2022 (Annexure P-2). In that FIR, no allegation as against CRM No.12369 of 2023 [2] the petitioner was levelled, though it was outcome of the proposed matrimonial alliance only.

Notice of motion.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 03.07.2023.

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. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and recovery of mobile phone has been effected.
3. Learned State counsel, on instructions from Inspector Pawan, 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 14.03.2023 is made absolute.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

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