

CRM-M-15537-2023
Date of decision: 18.08.2023

...PETITIONER

...RESPONDENT

Present: Dr. Deipa Singh, Advocate for the petitioner.
Mr. Ranvir Singh Arya, Addl. AG, Haryana.

1. On 27.03.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“This is a petition for grant of pre-arrest bail in case FIR No.75 dated 13.03.2023 under Sections 354, 452, 506 IPC registered at Police Station Chappar, District Yamuna Nagar. 2. The allegations against the petitioner are that he entered the complainant’s house at 11:00 am with bad intention, caught hold of her hand, and touched her inappropriately. He forcefully tried to shut her mouth and started vulgar things with her. She pushed him out, ran towards her room and locked it from inside. The petitioner shouted from outside and threatened that in case anything was disclosed to her husband, she as well as her kids would be killed.

3. Learned counsel for the petitioner contends that it cannot be believed that the petitioner trespassed into the house during day time and committed the acts alleged with the complainant. It is a case of false implication. There are previous disputes between his and the complainant's family. In this regard she has referred to a case FIR No.231 dated 10.08.2022 registered at the same police station, wherein the petitioner and his nephew are the eye-witnesses in the case. It is only to pressurize him not to testify in the earlier case that the instant FIR has been lodged. It is further contended that the complainant made improvements in her version while recording statement under Section 164 Cr.P.C. and levelled allegations of sexual assault against the petitioner, which were found without substance on an inquiry carried by the DSP concerned, and no offence under Section 376 IPC was added.

4. Learned State counsel, on instructions from, L/ASI Babita, does not dispute the facts that in earlier FIR No.231 dated 10.08.2022, has been lodged against the complainant's family friend wherein the petitioner is an eye-witness. And also that no

substance was found in the allegations levelled by the complainant in her statement under Section 164 Cr.P.C. It is fairly contended by her that even in the statements of neighbours recorded under Section 161 Cr.P.C., it was found that no such incident had taken place.

5. Learned counsel for the complainant, however, opposes the prayer for interim bail alleging that the allegations are serious and the complainant feels threatened from the petitioner on account of his conduct.

6. The facts aforestated as well as the submissions made have been considered. Previous case/dispute between the parties is established on record. Keeping that in view and looking at the allegations levelled, the investigation carried out so far, as also the changing stance of the complainant in her statements, it is deemed appropriate to grant interim bail to the petitioner.

7. Notice of motion.

8. Ms. Mahima Yashpal, Deputy Advocate General, Haryana assisted by Ms. Meenakshi Bali, Advocate, accepts notice on behalf of the respondent-State and complainant.

9. Adjourned to 12.07.2023.

10. 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 the petitioner has joined the investigation in pursuance of interim directions.

3. On instructions from HC Gurjeet Kaur, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the aforesaid submissions, the order dated 27.03.2023, granting interim bail to the petitioner is made absolute.

5. The petition is allowed.

18.08.2023

renubala

(VIVEK PURI)
JUDGE