

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

206

CRM-M-16237-2023 (O&M)

Date of Decision: 07.12.2023

Suresh Chandok

..... Petitioner(s)

Versus

State of U.T. Chandigarh and Another

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jasbir Singh Dadwal, Advocate for the petitioner.

Mr. Vasandhara Dalal, Advocate for respondent No.1.

ALKA SARIN, J . (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.5 dated 04.02.2023 under Section 376(2)(n), 506 of Indian Penal Code, 1860 registered at Police Station, I.T. Park, Chandigarh.

2. On 29.03.2023, the following order was passed:-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.5 dated 04.02.2023 under Section 376(2)(n), 506 IPC registered at Police Station, IT Park, Chandigarh.

Learned counsel for the petitioner contends that even as per allegations levelled by the complainant, she was in relationship with the petitioner for the last three years, and became pregnant also. When she asked the petitioner to marry her, he refused. It was then alleged

that the petitioner was making physical relations with her on the pretext of getting married. The complainant is aged about 25 years and it cannot be believed that she was deceived into making physical relations on any false pretext. It is only an afterthought and to pressurize the petitioner that the FIR in question has been lodged. It is further contended, by referring to conversation between the investigating officer/ASI Darshana and one of the relatives of the petitioner, placed on record as Annexure P-4, that the former had been demanding money to absolve the petitioner of the case.

Learned counsel for the petitioner further contends that the petitioner still intends to marry the complainant, and would be willing to settle the issues with her by way of mediation. He undertakes to implead the complainant as a party to the petition by filing appropriate application within a week from today.

Notice of motion.

Mr. A.M. Punchhi, PP for UT Chandigarh accepts notice on behalf of the respondent-State. He seeks a copy of the pen drive attached with the petition as Annexure P-4, wherein conversation of the ASI allegedly demanding illegal gratification stands recorded.

The petitioner is directed to furnish the pen drive (Annexure P-4) to learned Public Prosecutor within three days, who shall apprise the Court on the next date about the action taken in the matter, as may be required.

Adjourned to 14.07.2023.

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.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Darshana, P.S. I.T. Park, Chandigarh has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 29.03.2023 is made absolute. The petitioner shall, however, join investigation as and when called. 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.

07.12.2023

Deepak Patwal

**(ALKA SARIN)
JUDGE**

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