

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

218 CRM-M-17101-2023 (O&M)
Date of order: 24.07.2023

SunilPetitioner(s)

Vs.

State of HaryanaRespondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ravinder Singh Joon, Advocate
for the petitioner.

Mr. Brijesh Verma, AAG Haryana.

Nidhi Gupta, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.159 dated 24.02.2023 registered under Sections 294, 354-D and 506 IPC (Sections 328, 376(2)(n) IPC added later on) at Police Station Sadar, Hisar, District Hisar.

2. On 12.04.2023, this Court had passed the following order:-

“This is a petition under Section 438 Cr.P.C. for grant of prearrest bail to the petitioner in case FIR No.159 dated 24.02.2023, under Sections 294, 354-D, 506 IPC (Sections 328, 376 (2)(n) IPC added later on), registered at Police Station Sadar, Hisar, District Hisar.

2. Learned counsel for the petitioner contends that initially the FIR was lodged only under Sections 294, 354-D and 506 IPC on allegations of stalking and giving some wrong signals to the complainant. Subsequently, the complainant improved her version while recording statement under Section 164 Cr.P.C. and alleged commission of other offences including that of rape. The allegations are that the petitioner raped her after administering some intoxicating medicine. However, no date or place of occurrence has been mentioned. The complainant has even refused medical examination. It is

further submitted that she is a married lady of thirty five years having two kids. The petitioner is her neighbour and the two had consensual relationship. Only after the relationship was disclosed to the complainant's family members, the instant FIR was lodged and further improvements were made, only to implicate the petitioner and save herself from embarrassment.

3. Notice of motion.

4. Ms. Ankita Ahuja, AAG, Haryana, accepts notice on behalf of respondent-State and Mr. Rohit Choudhary, Advocate has put in appearance on behalf of complainant.

5. Adjourned to 24.07.2023.

6. 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 State counsel, on states that in terms of the order passed by co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

4. In view of the above, the order dated 12.04.2023 granting interim bail to the petitioner is made **absolute**.

5. However, the petitioner shall abide by following conditions:-

- i) He shall join the investigation as and when required by the Investigating Officer.
- ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and

iii) He shall not leave the limits of this country
without prior permission of the Court.

6. In case at any given point of time hereinafter, it is felt by
the investigating agency that the petitioner is required for the investigation
but is not cooperating, they will be at liberty to approach this Court for
passing appropriate orders.

24.07.2023

Sunena

(Nidhi Gupta)

Judge

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