

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24495-2023 (O&M)
Date of decision : 16.08.2023

Abhay Singh ... Petitioner(s)

Versus

State of Haryana and Another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yogesh Goel, Advocate for the petitioner.
Ms. Mahima Yashpal, DAG Haryana.

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.388 dated 15.08.2022 registered under Sections 376-D, 506, 363, 366, 114 and 365 of the Indian Penal Code, 1860 at Police Station Model Town, Rewari, District Rewari (Annexure P-1).

2. On 15.05.2023 the following order was passed :

*“The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.388 dated 15.08.2022, registered under Sections 376-D, 506, 363, 366, 114 and 365 of the Indian Penal Code, 1860 at Police Station Model Town, Rewari, District Rewari (Annexure P-1).
Learned counsel for the petitioner submits that the*

petitioner was not named in the FIR and his name surfaced only in the statement of the main accused-Kaptan Singh and that too to the extent that the petitioner crossed the main accused on his camper, where the alleged incident took place. More so, he submits that the Kaptan Singh has been granted bail as well as the coaccused Kapil has also been granted the concession of anticipatory bail by this Court in CRM-M-48196-2022.

Notice of motion.

Mr. Brijesh Sharma, AAG, Haryana, accepts notice on behalf of respondent-State and submits that the statement of the prosecutrix has already been recorded, however, could not deny the fact that the petitioner was not named in the FIR.

Without commenting upon the merits of the case, the petitioner is directed to join investigation on 26.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 16.08.2023. ”

3. Learned counsel for the petitioner would contend that neither the petitioner is named in the FIR nor in the statement under Section 164 CrPC nor in the statement of the complainant recorded before the Trial Court as PW1. It is further the contention that the complainant has in fact

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turned hostile. Learned counsel would further contend that pursuant to the order dated 15.05.2023, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from PSI Sangeeta, 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 15.05.2023 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.

16.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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