

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27420-2022

Date of Decision: 09.11.2023

SURESH KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Sandeep Yadav, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 60 dated 03.06.2022 under Sections 376(2)(n), 354C, 506, 509, 323 IPC registered at Police Station Women, District Rewari.

2. On 04.07.2022, following order was passed by the Co-ordinate

Bench:

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely embroiled in this case as the petitioner and the complainant were in a consensual relationship which later turned sour; there is no other criminal case pending against the petitioner; at all times when the petitioner and the complainant were in a relationship they were both adults; except the bald statement of the complainant there is no evidence whatsoever to support the allegations of rape or molestation; rather, the photographs and the telephonic chats on the record clearly show that even on the date when the FIR was lodged the petitioner and the complainant were in a consensual relationship; the afore referred photographs and the whatsapp chats clearly show the falsity in the case of the complainant; there is no evidence that the petitioner took any nude photographs of the complainant and then threatened to make them viral; in connection with the afore allegations the petitioner is ready to hand over to the investigating agency all electronic equipments that the petitioner owns/ possesses and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr.Sumit Jain, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 12.09.2022.

Till the adjourned date the petitioner's arrest is stayed.

Within a week from today, the petitioner shall hand over his phone(s) and laptop etc. to the investigating officer after examination of which the State shall file a report on the consideration of which further orders shall be passed in this petition.”

3. In pursuance of the interim order, the mobile phone was handed over by the petitioner to the Investigating Officer and the same was examined by the forensic experts and nothing incriminating was got recovered.

4. Accordingly, on 12.04.2023, following order was passed by the Co-ordinate Bench:

“Vide order dated 04.07.2022, the arrest of the petitioner was stayed, however, he was directed to hand over the phone(s) and laptop etc. to the Investigating Officer.

Learned State counsel has filed the status report and has fairly submitted that the petitioner did hand over the mobile phone which was sent to the FSL, DITAC Lab, Gurgaon, and they have reported that nothing incriminating was recovered.

However, counsel for the complainant submits that the laptop has not been handed over.

Accordingly, the petitioner is directed to join investigation on 24.04.2023 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 18.08.2023.”

5. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

6. Learned State counsel, on instructions from ASI Parmila, has submitted that the petitioner has joined the investigation and his custodial

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interrogation is not required.

7. Considerin g above, the petition is allowed and the interim bail granted by this Court vide order dated 12.04.2023 is made absolute.

09.11.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No