

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.26761 of 2023

Date of Decision : 14.11.2023

Rahul @ Rahul Dev

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Kumar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

Ms. Ritu Punj, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.101 dated 18.04.2023 under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Rohtak Civil Line, District Rohtak.

2. On 02.06.2023 the following order was passed :

“Prayer is for grant of anticipatory bail to the petitioner in case FIR No.101 dated 18.04.2023, under Sections 376(2)(n) and 506 of IPC and Section 6 of the POCSO Act, registered at Police Station Rohtak, Civil Lines, District Rohtak.

Learned counsel for the petitioner filed an

application bearing CRM-25824-2023 to demonstrate that in fact, the petitioner had been remitting amounts on multiple occasions and he submits that the same was done on the asking of the complainant. He fairly submits that the petitioner and the victim/complainant were in consensual relationship. However, they are not in a position to take their relationship forward and the dispute arose on two occasions, firstly, when the petitioner sought for the refund of his money and secondly, when he informed her that he is getting married to some other girl, the present FIR came to be lodged.

Learned State counsel has filed the status report along with the statement under Section 164 Cr.P.C, in which there is material improvement from the FIR and it apparently seems that a consensual relationship has gone into rough weather.

Adjourned to 06.09.2023.

In the meanwhile, 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. However, the petitioner shall join investigation on 10.06.2023 at 10:00AM, and co-operate with the investigating agency, even thereafter and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

However, it is made clear that this order shall not be construed as any opinion for deciding the petition on merits.”

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated. It has further been contended that now the challan also stands presented.

4. Learned counsel for the State on instructions from SI Surinder Singh has stated that the petitioner has since joined investigation and 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 02.06.2023 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.

(ALKA SARIN)
JUDGE

14.11.2023
jk

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