

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27963-2022
Date of decision: 14.11.2023

BALWANT @ BITTU

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Narender Kaajla, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.158 dated 21.02.2022, registered under Sections 363, 366, 376 (2), (n), 376-D and 506 of IPC, 1860, at Police Station Azad Nagar, Hisar.
2. On 18.07.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.158 dated 21.02.2022, registered under Sections 363, 366, 376 (2) (n),376-D and 506 of IPC, 1860, at Police Station Azad Nagar, Hisar.

By referring to the statement of the prosecutrix, Annexure P-2, as well as the observations of the learned Additional Sessions Judge in Para 08 of order dated 06.06.2022, Annexure P-3, whereby co- accused, Narender, has been granted regular bail, counsel for the petitioner contends that the prosecutrix was on friendly terms with the main accused. He submits that

there is no allegation against the petitioner of sexual assault and the accusation against him of abducting the prosecutrix, are false.

List on 06.12.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner contends that the statement of the prosecutrix (Annexure P-2) indicates that her relationship with the co-accused Narender were consensual. In pursuance of interim directions, the petitioner has joined the investigation and he is not in possession of any vehicle.

4. On instructions from SI Sulekha, learned State counsel submits that the petitioner has joined the investigation but the car has not been got recovered.

5. On a query, the learned State counsel has submitted that the particulars/registration number of the vehicle are not available with the investigating agency

6. In view of the aforesaid submissions, the order dated 18.07.2022 granting interim bail to the petitioner is made absolute.

7. The petition is allowed.

14.11.2023
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(VIVEK PURI)
JUDGE

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