

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

102

Criminal Misc. No. M-29002 of 2023

Date of decision :-04.09.2023

Gaurav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Roopak Bansal, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.120 dated 06.5.2023, under Sections 376(2)(n) and 506 IPC, registered at Police Station Kosli, District Rewari (Haryana).

On 02.6.2023, this Court had passed the following order

:-

“Learned counsel for the petitioner submits that there were consensual relationship between the prosecutrix and the petitioner which is apparent from the contents of the FIR itself and the prosecutrix states that she has become pregnant and therefore, the FIR has been lodged.

Learned counsel submits that the offence under Section 376 (2)(n) IPC, therefore, not made

*out. He relies upon judgment passed by the Supreme Court in **2022 LiveLaw (SC) 599 Ansaar Mohammad versus The State of Rajasthan and another.***

Learned counsel for the complainant seeks time to clear his instructions.

Taking into consideration all other aspects, it is directed that the petitioner shall not be arrested, however, he may cooperate in investigation.

List this case again on 04.09.2023.”

Learned counsel for the petitioner *inter alia* submits that the complainant is now married.

Learned State counsel, on instructions from ASI Sanjay states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation. Learned State counsel opposed the relief claimed by the petitioner on the basis that serious allegations have been levelled against the petitioner in the FIR, however, he does not oppose the fact that the complainant is now married.

In view of the above, the order dated 02.6.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

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.

The petition stands disposed of.

September 04, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No