

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-30088-2023****Date of Decision: 21.08.2023****ROHIT MAURYA****...Petitioner****Versus****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Ms. Srishti Sharma, Advocate and
Mr. Gaurav Datta, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

VIVEK PURI J.

1. The petitioner is seeking anticipatory bail in the case/FIR No. 29 dated 21.03.2023 under Sections 376(2)(n) and 506 of Indian Penal Code registered at Police Station, Naya Gaon, District SAS Nagar.
2. On 09.06.2023, following order was passed:

"Present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.29 dated 21.3.2023 under sections 376(2)(n) and 506 IPC registered at Police Station, Naya Gaon, District SAS Nagar.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the present case. She submits that present FIR has been lodged against the petitioner under the misconception of facts. She submits that petitioner and complainant are of the age of majority and they were in love with each other. It is submitted that both have already performed marriage and they are presently living as husband and wife. It is submitted that complainant/prosecutrix has also filed an affidavit dated 26.4.2023 in this regard. Counsel submits

that statement of the complainant/prosecutrix was recorded under section 164 Cr.P.C, wherein she has accepted the factum of marriage. It is submitted that in the given facts and circumstances, no case under Section 376(2)(n) IPC is made out against the petitioner. It is submitted that no case for custodial interrogation of the petitioner is made out and he is ready to join investigation.

Notice of motion for 21.8.2023.

On the asking of the court, Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf of respondent no.1-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so. (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court."

3. Learned counsel for the petitioner contends that in pursuance of the interim directions dated 09.06.2023, the petitioner has joined the investigation.

4. Learned State counsel on instructions from ASI Rajinder Singh submits that custodial interrogation of the petitioner is not required.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner.
6. Accordingly, order dated 09.06.2023, vide which the petitioner has been granted interim bail, is made absolute.
7. Petition is allowed.

21.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No