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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30665-2023 (O&M)
Date of decision : 23.11.2023

Dhanna Kumar ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Atul Yadav, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.165 dated 09.04.2023 under Sections 328, 376 and 506 of the Indian Penal Code, 1860 registered at Police Station City Sohna, District Gurugram (Annexure P-1).

2. On 16.06.2023 the following order was passed :

“Contends inter alia that allegations in the FIR are totally false and have been levelled merely to extract money from the petitioner.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State.

Complainant, along with her counsel, Mr. Naveen Daryal, Advocate, is present and submitted that present FIR was lodged on account of some misunderstanding. Although, this Court was going to launch prosecution against the complainant for misusing the process of law and forcing the petitioner to face criminal proceedings under Section 376 IPC, but taking a lenient view, leaves the matter here.

Posted on 10.08.2023, for further consideration.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State on instructions from ASI Parmila has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned State counsel has further pointed out that the challan also stands presented in the present case.

5. In view of the above, the order dated 16.06.2023 is made absolute. The petitioner shall, however, join investigation as and when

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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.

23.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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