

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

305

CRM-M-35255-2023 (O&M)

Date of Decision : 16.11.2023

Anil Kumar Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.S. Arora, Advocate for
Mr. H.S. Bedi, Advocate for the petitioners.

Ms. Priyanka Sadar, AAG 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.0082 dated 28.05.2023 under Sections 323, 354, 376, 377, 406, 498-A, 506, 509, 511 of the Indian Penal Code, 1860 registered at Police Station Sector 20, Panchkula.(Annexure P-1)

2. On 24.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.0082 dated 28.05.2023 under Sections 323, 354, 376, 377, 406, 498-A, 506, 509, 511 of the Indian Penal Code, 1860 registered at Police Station Sector 20, Panchkula.

Learned counsel for the petitioners would contend that

the son of petitioner No.1 and the complainant were in a live-in relationship and were residing separately. The learned counsel would further contend that totally false allegations have been made in the FIR which is apparent also from the fact that the complainant is alleged to have been turned out of the matrimonial home on 15.10.2021 whereas she has alleged that there was an attempt to rape her on 02.08.2022. It is further the contention that the FIR has been lodged only on 28.05.2023.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana.

List on 16.11.2023.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioners would contend that pursuant to the said order the petitioners have joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Nirdosh Singh, has stated that the petitioners have since joined investigation and have fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 24.07.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners 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.

16.11.2023

Deepak Patwal

(ALKA SARIN)

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No