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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38550-2023 (O&M)
Date of decision : 23.11.2023

Intzar ... Petitioner(s)
Versus
State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anubhav Siwach, 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.96 dated 06.05.2023 under Sections 376, 506 of the Indian Penal Code, 1860 registered at Police Station Pratap Nagar, District Yamuna Nagar (Haryana).
2. On 29.08.2023 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 petitioner in FIR No.96 dated 06.05.2023 under Sections 376, 506 of the Indian Penal Code, 1860 (IPC) registered at Police Station Pratap Nagar, District Yamuna Nagar (Haryana).

Learned counsel for the petitioner would contend that earlier also FIR No.125 dated 16.08.2020 was lodged by the complainant under Sections 323, 376, 498-A, 506

IPC and Sections 3, 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and the allegations made in the said FIR were found to be false whereupon a cancellation report was prepared. It is further contended that though there is a date mentioned in the FIR of the alleged incident as being 22.04.2023, however, the FIR itself was lodged on 06.05.2023 and that initially the complainant had refused for her medical examination which was subsequently agreed to by her. The learned counsel would further contend that there is a dispute between the complainant and her husband i.e. brother of the petitioner which is also apparent from the MLR dated 01.09.2022 (Annexure P-4) which was recorded after the brother of the petitioner was beaten up by the family of the complainant.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana while Mr. Sanpreet Sandhu, Advocate puts in appearance on behalf of complainant.

The State has filed a status-report by way of affidavit of Parmod Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar. Learned State counsel has pointed to para-6 of the status-report wherein it has been stated that the allegations in FIR No.125 dated 16.08.2020 which was lodged by the complainant under Sections 323, 376, 498-A, 506 IPC and Sections 3, 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 were found to be false and cancellation report was prepared in that case on 18.01.2021. The learned counsel for the State, on instructions from SI-Dal Singh,

has also pointed out that the tower location of the phone of the petitioner was in Ambala at the time of the incident and that of the complainant was in Yamuna Nagar.

List on 23.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner 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 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 SI Dal Singh 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 a cancellation report has also been prepared in the present case.

5. In view of the above, the order dated 29.08.2023 is made absolute. The petitioner shall, however, join investigation as and when 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.

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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