

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

207

CRM-M-41664-2020 (O&M)

Date of Decision: 30.05.2023

Vikas @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner
Ms. Dimple Jain, DAG, Haryana
Mr. Tarun Yadav, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of anticipatory bail in FIR No.734 dated 11.11.2020 under Sections 376(2)(n), 384, 341, 354-D, 120-B & 506 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Sector 7, Faridabad.

2. On 06.01.2021, the following order was passed:-

"It is pointed out that the entire family i.e. father, mother and sister of the petitioner has been enroped and, therefore, they have all been granted anticipatory bail by the trial Court.

While praying for anticipatory bail, learned counsel for the petitioner contended that the complainant is an educated and a working women of 34 years and she was in consensual relationship with the petitioner. The things became bad when the

complainant has filed the present FIR. The allegation that the petitioner had purchased gold chain, a gold bangle, branded shoes, branded watches, branded clothes and from the money of complainant as well as the I-phone by blackmailing her is a matter of trial as to whether the same were given out of free will or by blackmailing.

Accordingly, the petitioner will not be arrested till the next date of hearing and shall join the investigation and cooperate with the police as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List on 24.2.2021.”

3. The afore-stated order was challenged by the complainant before the Hon’ble Supreme Court which vide order dated 10.04.2023 has dismissed the petition of the complainant.

4. Learned State counsel submits that petitioner has joined investigation and police after completing investigation has already filed its report under Section 173 Cr.P.C. as well supplementary report. The matter is pending before Trial Court for framing charge.

5. Mr. Tarun Yadav, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag at an appropriate place

6. Learned counsel for the complainant submits that petitioner has not cooperated the Investigating Officer, thus, he does not deserve concession of anticipatory bail.
7. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 06.01.2021 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.
8. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.
9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

30.05.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*