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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40293-2023 (O&M)
Date of decision : 23.11.2023

Sushant @ Sube Singh ... Petitioner(s)

Versus

State of Haryana & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lalit Kumar Yadav, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana for respondent No.1.

Ms. Meenu Sharma, Advocate for respondent No.2.

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.291 dated 04.07.2023 under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 registered at Police Station Badshahpur, District Gurugram.
2. On 25.08.2023 the following order was passed :

“This is the first petition filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.291 dated 04.07.2023 under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 registered at Police Station

Badshahpur, District Gurugram.

Learned counsel for the petitioner would contend that the petitioner and respondent No.2-complainant were in a consensual relationship and were in love for almost over 02 years. Learned counsel for the petitioner would further contend that the present FIR was lodged due to a misunderstanding and now the complainant has given an affidavit appended with the petition as Annexure P-2 wherein she has stated that she does not want to proceed with the matter. Learned counsel for the petitioner has also contended that the parties are in fact wanting to marry each other.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana, who is present in Court, accepts notice on behalf of the respondent No.1-State while Ms. Sushma Yadav, Advocate accepts notice on behalf of the respondent No.2- complainant.

On 18.08.2023 the State was asked to verify the affidavit Annexure P-2. Reply by way of affidavit of Ms. Manoj Kumar, HPS, Assistant Commissioner of Police, Headquarter, Gurugram has been filed which is taken on record. Registry to scan the same and tag at the appropriate place. It has been mentioned in the reply

that the complainant joined the investigation on 20.08.2023 and verified the contents of the affidavit and stated that the petitioner and his family are ready to solemnize their marriage. She further stated that the affidavit was given as per her own wishes and without any coercion or influence.

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 adequate surety and personal bonds 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 ASI Beena 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.

5. In view of the above, the order dated 25.08.2023 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.
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