

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

218

CRM-M-40404-2023 (O&M)

Date of Decision : 21.11.2023

Jagdish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ivneet Singh Pabla, 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.117 dated 23.03.2023 under Sections 354, 354-B, 452, 506 of the Indian Penal Code, 1860 (IPC) (Section 376 deleted) registered at Police Station City Thanesar, District Kurukshetra.

2. On 18.08.2023 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.117 dated 23.03.2023 under Sections 354, 354-B, 452, 506 of the Indian Penal Code, 1860 (IPC) registered at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner would contend that the petitioner and the complainant were in a

relationship for the last about 13 years. The petitioner herein supported her in raising the construction of her house and also on many other occasions helped her financially and even paid her certain amounts to help her children settle. Some of the amounts have also been transferred through the bank transactions. It is further the contention that initially the FIR was lodged wherein Sections 376 and 511 IPC were also included. However, subsequently, at the time of the proceedings in the anticipatory bail application before the Trial Court the same were deleted. The learned counsel has further contended that the story set up by the complainant is highly improbable in as much as she has stated that the petitioner opened the gate and there itself attempted to rape her.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the respondent-State of Haryana and seeks some time to get her instructions.

List on 21.11.2023.

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 Ms. Ramandeep Kaur, 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 18.08.2023 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.

21.11.2023*Deepak Patwal***(ALKA SARIN)
JUDGE**

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