

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

201

Criminal Misc. No. M-45251 of 2022

Date of decision :-19.09.2023

Canakapalli Venkata Satya Ravi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. R.S. Cheema, Sr. Advocate with
Ms. Sumanjit Kaur, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Parshant Manchanda, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.224 dated 07.8.2022, under Sections 328 and 376 IPC, registered at Police Station Sector 40, Gurugram.

On 29.9.2022, this Court had passed the following order

:-

“Learned senior counsel appearing for the petitioner inter-alia contends that the petitioner is 64 years old; he does not have any other criminal antecedents; after rendering over 28 years of unblemished service he retired as a Wing Commander from the Indian Air Force; his father is a retired Air Vice Marshal from the Indian Air Force; there is an unexplained delay of 15 days in

lodging of the FIR; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the same is vague as it does not disclose the alleged place or time where and when the alleged offence actually took place; as per the prosecutrix herself, she does not know as to whether or not she was actually raped by the petitioner; there is neither any medical nor forensic evidence to support the allegations of rape; it is the admitted position that prior to the alleged occurrence the petitioner and the prosecutrix consumed alcohol; therefore, the prosecutrix was intoxicated to a level when she does not remember what actually happened with her and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Ms. Sheenu Sura, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State and Ms. Vagisha Kochar, Advocate puts in appearance on behalf of the complainant. Both counsel pray for and are granted time to file a status report/ affidavit.

For arguments, adjourned to 07.12.2022.

As the issue is sensitive, with the consent of learned counsel for the petitioner and the complainant, the Commissioner of Police, Gurugram is directed to depute a senior officer of the rank of a Deputy Commissioner of Police to investigate the matter.

Till the adjourned date the petitioner's arrest is stayed.

Further orders in the present petition shall be passed after the receipt of the status report of the State as also the prosecutrix's affidavit.”

Learned State counsel, on instructions from L/ASI Umed states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage. He further submits that the cancellation report in the matter has been prepared and submitted in the Court on 02.9.2023.

In view of the above, the order dated 29.9.2022, whereby arrest of the petitioner was stayed, is made absolute, however, the petitioner is directed to appear before the SHO/Investigating Officer and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 19, 2023

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No