

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

**CRM-M-46051-2022
Date of Decision: 19.10.2023**

AJAY DEV

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Krishan Singh, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.

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VIVEK PURI, J. (ORAL)

1. On 03.10.2022, following order was passed by the Co-ordinate

Bench:

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.276 dated 15.05.2022 under Section 365 of IPC registered at Police Station City Jagadhri, District Yamuna Nagar.

The case of the prosecution is that on 15.05.2022, complainant-Anita wife of Chander Shekhar @ Chandu, gave a complaint in which she stated that her younger daughter 'M' aged about 16 years had appeared in examination of 10th Class. On 14.05.2022 at around 02:00 PM, she left the house without telling anyone. She had also taken her aadhar card and mobile bearing SIM No.8295313592 and therefore, the present case has been got registered.

Learned counsel for the petitioner submits that the petitioner is in relationship with the daughter of the complainant and both are in live-in relationship. He further submits that the petitioner and daughter of the complainant have earlier filed CRWP No.4979 of 2022 titled as 'Ajay Dev and another versus State of Haryana and others' for protection of their life and liberty in which notice was issued and police recorded the statement(s) of the mother, father and brother of the then petitioner No.2, namely, Anita, Chander Shekhar @ Chandu and Deepak, respectively wherein, they stated that they do not want to harm their daughter/sister and Ajay Dev-present petitioner. However, statement of the complainant-Anita in the said case is as under:

“Stated that I am resident of above mentioned address and doing labour work. I have total five children. Manisha is my daughter fourth number, On 14-05-2022 without intimating anyone she had left the house and in this regard a case FIR No.276, dt.15-05-2022 u/s 365 IPC has been got registered at Police Station city Jagadhri. Now I came to know that my daughter Manisha is living at some unknown place with a boy Ajay Dev son of Sh. Megh Raj resident of Village Baloli, Police Station Chhachhrauli, District Yamuna Nagar and my sister Manisha and Ajay Dev have filed a petition for protection of their life and liberty before the Hon'ble High court of Punjab and Haryana. I do not want to harm my daughter Manisha and Ajay Dev and my daughter Manisha after attaining the age of majority can take decision in respect of her future. Today I have got recorded my statement, heard and admitted it as correct.”

To the similar effect are the statements of other two persons i.e. father and brother of the girl. On the basis of the said statement, the petition was disposed off vide order dated 12.09.2022 and the same is reproduced as under:-

“The prayer in the present petition under Article 226 of the Constitution of India is for directions to official respondent Nos.2 and 3 to take action on the representation dated 20.05.2022 (Annexure P3) and to protect the life and liberty of the petitioners.

A reply dated 02.09.2022 had been filed on behalf of respondent Nos.1 to 3 by the learned State counsel by way of an affidavit of Parmod Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar and the same is already on record.

As per the reply, the statement of Anita wife of Chander Shekar @ Chandu and Chander Shekar @ Chandu son of Mangal, the parents of petitioner No.2 have been recorded and they have stated that they shall not interfere in the life of the petitioners.

In view of the above, no further orders are required to be passed by this Court.

Disposed of.”

The factum of FIR No.276 dated 15.05.2022 under Section 365 IPC was also stated in the reply by the State.

Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation as and when called by the Investigating Officer.

Notice of motion.

Ms. Gaganpreet Kaur, A.A.G., Haryana puts in appearance and accepts notice on behalf of the respondent-State.

Adjourned to 03.03.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.

2) That 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 from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the court. Reply, if any, be filed in the meantime with an advance copy to the other side. ”

2. Reply by way of affidavit of Rajesh Kumar, Deputy Superintendent of Police-II, Yamuna Nagar, on behalf of the State has been taken on record.

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from SI Rajinder Singh, has submitted that the petitioner has joined the investigation. Furthermore, during the course of investigation, no incriminating evidence has been found against the petitioner and cancellation report has been prepared in the instant case.

5. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.10.2022 is made absolute.

19.10.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No