

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44357-2023
Date of decision: 17.11.2023

VIJAY KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Ranvir Singh Arya, AAG, Haryana.

VIVEK PURI, J. (ORAL)

1. On 05.09.2023, the following order was passed:-

"1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.474 dated 08.07.2023 registered under Sections 294/323/376(2)(n)/377/506 IPC at Police Station Urban Estate, Hisar, District Hisar.

2. Learned counsel for the petitioner contends that the prosecutrix is aged about 28 years and she was working as an employee in the Dental Clinic of the petitioner. The relationship between the petitioner and the prosecutrix was consensual and agreement of live-in relationship Annexure P-3 was also executed between them. The said agreement has also been attested by the notary public. Besides, the prosecutrix has also sworn an affidavit Annexure P-4 to the effect that she was in live-in relationship with the petitioner. The photographs Annexure P-5 also indicate that the petitioner and the prosecutrix were in relationship. The relationship between the parties had turned sour and thereafter, the present FIR has been lodged.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf of the respondent-State and submits that as per the allegations in the FIR, the live-in relationship agreement was got executed by putting pressure on her. He seeks time to file reply in the matter.

5. Adjourned to 17.11.2023.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C”.

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

4. On instructions from ASI Rakesh, learned State counsel has not dispute the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

5. In view of the aforesaid submissions, the order dated 05.09.2023 granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

17.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No