

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

297

CRM-M-48188-2022

Date of Decision: 23.01.2023

Surinder Singh Gill

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. H.P.S. Sandhu, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

(assisted by L/ASI Suman)

JAGMOHAN BANSAL, J. (Oral)

On 18.10.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 29 dated 14.02.2022 under Sections 153-B(1), 295A, 328, 34, 370, 376 IPC, registered at Police Station Bajghera, District Gurugram.

Briefly, the allegations in the FIR are to the effect that the prosecutrix was having matrimonial dispute with her husband and she had lodged 2 FIRs against him. The prosecutrix had been residing with the petitioner, his wife and son since 12.12.2021 and was having sisterly relations with the petitioner. The prosecutrix was allegedly being asked to get conversion of the religion for which she refused. She was mentally tortured and physically abused by the petitioner and his wife. Even the wife of the petitioner has lodged a false case of rape against the father of the prosecutrix at Police Station Ratti. It has been further alleged that the wife of the petitioner had been administering

some intoxicating substance and physical relations were made with her by the petitioner.

It has been contended by learned Senior Counsel that a false case has been foisted by the prosecutrix as a counter-blast to the case under Section 376 IPC lodged at the instance of wife of the petitioner against the father of the prosecutrix. The said FIR has been lodged a day prior to the registration of the present FIR. The petitioner and his family had provided shelter to the prosecutrix and her father in their house as she was having matrimonial discord with her husband. Renu Sharma, the wife of the petitioner has been granted pre-arrest bail.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts notice on behalf of the State and submits that though the prosecutrix was medicolegally examined but no vaginal swabs were taken as she had refused for such examination. Furthermore, the report of FSL on the bedsheet which has been taken into possession, during the course of investigation has been received and the same is negative.

Adjourned to 23.01.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C..”

Learned State counsel, on instructions from L/ASI Suman, submits that police has prepared cancellation report and it would be filed in due course.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 18.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

23.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*