

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-49151-2022

Date of Decision: 20.01.2023

Shiv Kumar Jeenger

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Parampreet Singh Bajwa, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by Inspector Brijender Singh)

Mr. Satbir Singh Gill, Advocate for complainant

JAGMOHAN BANSAL, J. (Oral)

On 15.11.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 280 dated 10.08.2022 under Sections 354, 384, 385, 506, 34 IPC and Section 67-A of IT Act registered at Police Station Purani Subjimandi, Rohtak.

Learned counsel for the petitioner contends that the petitioner was engaged with the complainant but the marriage could not fructify. There are allegations to the effect that the petitioner had created a false ID on the mobile phone which was given by him to the complainant and sending inappropriate messages. The petitioner was granted interim bail by the Court below. He has joined the investigation but the bail application has been dismissed primarily on the score that mobile phone which was given by him to the complainant and subsequently returned back to him, has not been recovered. The petitioner is ready and willing to hand over the mobile phone to the Investigating

Agency. Even a settlement/compromise (Annexure P-2) has also been effected between the parties and subsequently, the FIR has been registered.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 12.01.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner, *inter alia* submits that that as per FIR dated 10.08.2022, the alleged incident took place on 16.01.2022, whereas he was not in State of Haryana on the alleged date of incident.

When the matter was listed on 12.01.2023, the State was directed to verify the factum of his presence on 16.01.2022.

The State has filed affidavit dated 19.01.2023 of Vivek Kundu, Deputy Superintendent of Police, Rohtak disclosing that as per call detail record, the petitioner, on the alleged date, was out of State of Haryana and he was in State of Rajasthan.

Learned State counsel, on instructions from Inspector Brijender Singh, submits that petitioner in compliance of order dated

15.11.2022 has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 15.11.2022 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

20.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*