

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

219

CRM-M-48021-2023 (O&M)

Date of Decision : 11.12.2023

Akash Rana

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.266 dated 23.06.2023 under Sections 376, 506 of the Indian Penal Code, 1860 (IPC) registered at Police Station Sector 13/17, Panipat, District Panipat.

2. On 22.09.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.266 dated 23.06.2023 under Sections 376, 506 of the Indian Penal Code, 1860 (IPC) registered at Police Station Sector 13/17, Panipat, District Panipat.

Learned counsel for the petitioner would contend that the petitioner and the complainant were in consensual

relationship for a year and a half. It is further the contention that the complainant is a married woman and till date she has not got a divorce from her husband. The learned counsel further contends that the complainant had earlier lodged an FIR against her husband, in-laws and other family members wherein the allegations were that the mother-in-law of the complainant had compelled her to have illicit relations with her father-in-law and brother-in-law (Jeth). It is further pointed out that yet another FIR was lodged by her under Section 354 IPC against her own father. It is further contended that a totally false case has been set up against the petitioner and that the petitioner is willing to join the investigation and co-operate.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the respondent-State of Haryana. Learned counsel for the State is not in a position to deny the factual position as stated by the learned counsel for the petitioner. Learned State counsel has, however, pointed out that there is no medical in the present case as the complainant had refused to get her medical conducted.

List on 11.12.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of

arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State on instructions from SI Yogesh has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 22.09.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

11.12.2023

Deepak Patwal

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO