

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

202

CRM-M-50492-2022

Date of Decision: 22.02.2023

Furkan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Ishita Jain, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

On 09.11.2022, the following order was passed :-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.171, dated 27.08.2022, registered under Sections 376-D, 506 IPC, at Police Station Women Karnal, District Karnal.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely and maliciously implicated in this case. He has submitted that the prosecutrix is a married woman. He has drawn the attention of this Court to the marriage certificate showing that the prosecutrix was married with Mohd. Ahsan on 14.05.2017. He submits that in-laws of the prosecutrix and the petitioner are related to each other. He submits that the alleged occurrence has been shown to be on 18.04.2018 and the present

FIR has been lodged after about four years i.e. on 27.08.2022. He submits that parents of the prosecutrix has also given an affidavit deposing that the prosecutrix has filed false and frivolous FIR against the petitioner. He has submitted that the alleged occurrence pertains to 18.04.2018, which was shown to be at her parental home, whereas, the prosecutrix was married with Mohd Ahsan as stated above on 14.05.2017. He submits that there was no occasion for the prosecutrix to be at parental home on 18.04.2018 as she was already married about a year back from the said date. He also submits that the petitioner has no criminal antecedents and has been implicated falsely for heinous offence.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

Let the State file status report.

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:-

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

(ii) 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.
(iii) That the petitioner shall not leave India
without prior permission of the court.
Adjourned to 22.02.2023.”

Learned State counsel on instructions from ASI Pushpa submits that petitioner has 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 09.11.2022 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

22.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>