

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

201

CRM-M-54191-2023 (O&M)

Date of Decision: 07.12.2023

Sachin

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Palkin Bhardwaj, Advocate for
Mr. Vimal Kumar Gupta, 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.403, dated 23.09.2023 under Sections 354-D, 452 and 506 IPC (later on added Section 376 IPC) of the Indian Penal Code, 1860 registered at Police Station Gandhi Nagar, District Yamuna Nagar.

2. On 23.10.2023, the following order was passed:-

“ The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.403, dated 23.09.2023 under Sections 354-D, 452 and 506 IPC (later on added Section 376 IPC) of the Indian Penal Code, 1860 registered at Police Station Gandhi Nagar, District Yamuna Nagar.

Learned counsel for the petitioner inter alia contends that the private dispute between the petitioner and the complainant, who were in a live- in relation with each other, has now been portrayed as a criminal offence involving Section 376 of IPC. He contends that a compromise in relation to certain earlier differences has been executed between the parties on 26.09.2022, wherein it is specifically stated that the husband of the prosecutrix used to work in a factory namely Inder Ply Wood situated at village Baadi Majra and had borrowed some money from the second party i.e. the petitioner herein. He died suddenly, whereupon the petitioner is stated to be visiting the house of the petitioner. They started to reside in a live in relationship with mutual consent. Thereafter, they decided to terminate their live in relationship. It was also settled that so far as the goods (electronics and other items) are concerned, the same have been mutually settled. He contends that it was an outcome of the aforesaid background that the present FIR has been registered under Section 376 of IPC after getting her medical examination conducted. Once the factum of live in relation is not disputed or denied by the respondent herself, there was no occasion for attracting the Section 376 of the IPC. Counsel further contends that the

petitioner is ready and willing to join the investigation as and when required to do so and he does not suffer from any criminal antecedents.

Notice of motion.

Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice and prays for some time to complete instructions and file response, if necessary.

Adjourned to 07.12.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on his furnishing bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 ASI Sushma 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 23.10.2023 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.

07.12.2023

Deepak Patwal

(ALKA SARIN)
JUDGE

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