

CRM-M-59219-2022

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

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CRM-M-59219-2022

Date of decision : 13.04.2023

Harender

..... Petitioner

V/S

State of Haryana and another

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vikram Rathore, Advocate for the petitioner.

Ms. Ambika Sood, Add. AG Haryana.

Mr. D.S. Matya, Advocate for the respondent No. 2.

AMARJOT BHATTI J. (ORAL)

The petitioner- Harender has filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 73 dated 05.10.2022, under Section 376(2)(n), 506 and 509 of IPC, registered at Women Police Station, Gurgaon, Sector 51, District Gurugram, Haryana.

The facts of the case are that the prosecutrix gave her statement that Harender Bhamla was working as driver with her for the last two years. In the end of December 2019, the door of her house was open and when she came out of the bathroom, the accused caught hold of her and raped her. He raped her 2-3 times and also abused her. Her husband used to go out for work and the accused tried to take advantage of this fact. He further threatened to kill her daughters. She did not tell this fact to her husband out of fear. She told her husband to turn him out of the job but he again requested her husband and joined the job. After about three months, he again raped her. He used to send obscene messages. In July 2020, he raped her and burnt her with cigarette. He also threatened to rape her daughters. Ultimately, the matter was reported to the police.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. He was granted *ad interim* bail vide order dated 19.12.2022. He has already joined the investigation. Moreover, the police has filed cancellation report which is still pending. It is prayed that *ad interim* bail already granted in his favour may be confirmed.

Learned counsel representing the State has filed status report. It is confirmed that in compliance of the orders of this Court, he has joined the investigation on 20.02.2023. The investigation was carried out. CCTV footage was checked. As there was no truth found in the allegations levelled by the complainant, the cancellation report is prepared by SHO, PS Women, Sector 51, Gurugram and it will presented before the Court concerned.

I have considered the aforesaid facts and the status report. As referred above, the petitioner has already joined the investigation. Rather, the police is presenting cancellation report before the Illaqa Magistrate which will be decided later on by the Court concerned. The status report indicates that the petitioner is not required for further investigation as he has already joined the investigation on 20.02.2023. Considering these facts, the *ad interim* bail already granted in favour of petitioner – Harender vide order dated 19.12.2022 stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly accepted.

(AMARJOT BHATTI)
JUDGE

13.04.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No