

Sr. No.207

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

CRM-M-5026-2024
Date of decision: 09th April, 2024

SONU ALIAS BALJEET SINGH**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Robin Sathi, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.22 dated 19.03.2022, under Sections 313, 344, 354, 353, 366, 376, 376(2)(n), 498, 506 IPC, 1860, registered at Women Police Station, District Kaithal (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The prosecutrix is in relationship with the brother of the petitioner namely Hardeep Singh. Both the prosecutrix and brother of the petitioner used to reside together and they had even filed a protection petition before the Court at Kaithal. The petitioner has no involvement in the present case, as such, challan was not presented against him.
3. Learned counsel for the petitioner submits that the petitioner was granted interim bail as per the order dated 01.02.2024, passed by this Bench. The relevant portion of the same reads as under:-

“XXXXXX

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been summoned as an additional accused by learned trial Court on the basis of an application moved under Section 319 Cr.P.C., as per the order dated 09.01.2024 (Annexure P-3). It was contended that prosecutrix is in relationship with the brother of the petitioner namely Hardeep Singh. Even both had filed a petition for protection before the Court of Kaithal and they used to reside together as married couple in live in relationship. The petitioner has no involvement in the present FIR. He was wrongly involved, as such, 'challan' was not presented against him.

3. It was further contended that even as per the medico-legal report, the alleged allegations of unnatural sex made by the prosecutrix are belied. The prosecutrix and the brother of the petitioner had been visiting various family weddings and birthday occasions together as reflected in the photographs (Annexure P-6). The petitioner is ready to join the investigation and appear before the learned trial Court. The final report under Section 173 Cr.P.C. has already been presented. The custodial interrogation of the petitioner is not required.

4. Notice of motion.

5. Having received advance copy of the petition, Mr. Amrik Singh Narwal, D.A.G. Haryana, accepts notice on behalf of the respondent-State and seeks time to file the status report.

6. Adjourned to 04.03.2024.

7. In the meanwhile, the petitioner is directed to appear before the trial Court within a period of 15 days and in the event of arrest, the petitioner shall be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court.

XXXXXXX”

4. Learned counsel for the petitioner further submits that the petitioner had appeared before the trial Court in compliance of the aforesaid order dated

01.02.2024, passed by this Bench and he has even been allowed interim bail by the trial Court.

5. Learned counsel appearing on behalf of the respondent-State confirms that the petitioner had appeared before the trial Court and also contends that his custodial interrogation is not required since challan is already presented.

5.1 Learned State counsel has filed status report by way of affidavit of Sh. Umed Singh, Deputy Superintendent of Police, Hqrs., Kaithal, on behalf of respondent-State of Haryana, which is taken on record. It has been mentioned in the status report that the petitioner was summoned as an additional accused by the trial Court with the aid of Section 319 Cr.P.C.

6. In view of the reasons recorded in the order dated 01.02.2024 and keeping in view the aforesaid facts, the present petition is allowed. The order dated 01.02.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

09th April, 2024
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