



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201+129

CRM-22422-2024 in/and
CRM-M-5791-2024

Date of Decision: 20.05.2024

Rahul

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vijender Dhankhar, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Nazar Singh, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.7 dated 06.1.2024 (Annexure P-1), under Section 376(2)(n) of Indian Penal Code (during investigation Section 313 IPC and Section 6 of the Protection of Children from Sexual Offences Act have been added), registered at Police Station Suraj Kund, Faridabad.

On 05.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.7 dated 06.1.2024 (Annexure P-1), under Section 376(2)(n) of Indian Penal Code (during investigation Section 313 IPC and Section 6 of the Protection of Children from Sexual



Offences Act have been added), registered at Police Station Suraj Kund, Faridabad.

It is inter alia submitted by learned counsel for the petitioner that the petitioner is about 27 years of age. The FIR was registered on the basis of statement of the victim herself and the allegations pertains to March 2022. However, the FIR has been registered thereafter only now on 06.01.2024. Learned counsel further submits that as per the statement of the victim, recorded under Section 164 Cr.P.C., it has been alleged therein that there have been relations between the petitioner and the victim since the year 2016 and further allegations with regard to the abortion have also been made. It is also submitted by learned counsel for the petitioner that the victim and the petitioner were in a consensual relationship. Learned counsel for the petitioner submits that even though the petitioner has been falsely implicated in the matter, yet he is ready to join and fully cooperate in the investigation; and seeks grant of interim relief to the petitioner.

Notice of motion.

On asking of the Court, Mr. Aditya Pal Singla, AAG, Haryana accepts notice on behalf of State. He opposes the prayer for grant of interim relief to the petitioner and submits that the date of birth of the victim is 11.5.2002 and therefore at the time of commission of alleged offence, she was minor. He further submits that the case is at the stage of investigation.

Adjourned to 15.4.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction



of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file fresh affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the State, while referring to paras No. 5 and 7 of the status report filed by way of affidavit of the Assistant Commissioner of Police, NIT Faridabad dated 07.05.2024, as also on instructions from ASI Vinod, submits that in pursuance of order dated 05.02.2024 passed by this Court, reproduced above, the petitioner has joined the investigation on 17.03.2024 and is co-operating with the investigating agency and no further interrogation is required, at this stage.

Learned counsel for the State also refers to order dated 15.04.2024 passed by this Court wherein the allegations have been made on behalf of the respondent No.2/complainant that after grant of interim



protection by this Court vide order dated 05.02.2024, the petitioner had approached the Management of the School, where the complainant was posted as Vice Principal and told them that she was a woman of bad character due to which it is alleged that the complainant had lost her school job. In this regard, learned counsel for the State refers to the said status report dated 07.05.2024 in particular Annexure R-2 annexed with the status report, which is the statement of Mr. Laxman the Director of N.K. International School, where the complainant was employed, which reads as under:-

“Stated that I am resident of above address and I am director of N.K. International School. We had necessity of an English Teacher for our school. Kxx came to our school for interview on 20-03-2024 and we allowed her on 21-03-2024 for teaching English with the condition that one week will be her trial period, if we are satisfied by your work, then we will engage you on service. Thereafter, after 3-4 days, the parents of our students came to school and made complaint against Kxx to the effect that he has no proper knowledge of English and Hindi and showed her several mistake. Then, I informed Kxx not to come further on job through our Vice Principal Annu. We paid Rs.2,000/- to Kxx as her salary. I do not know Rahul and his family nor any person had lodged any complaint against Kxx regarding her wrong act and conduct. The work of Kxx was not satisfactory, therefore, we terminated her from the



service. Now I have got recorded my statement which is correct.”

Learned counsel for the State, accordingly submits that allegation made by the complainant against the petitioner that he visited the school of the complainant, was found to be false.

At this stage, learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail on behalf of the petitioner and now submits that on 19.04.2024, the petitioner had visited the house of the complainant and had given her beatings. It is further submitted that two different versions have been given by the School Management for removing the complainant from her job.

However, the first assertion of the complainant is not supported by any medical evidence; and it is not clear as to which is the ‘other’ version given by the School Management. Accordingly, no ground for declining anticipatory bail is made out.

In view of the above, the order dated 05.02.2024 granting anticipatory bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, stand(s) disposed of.

20.05.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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