

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-5896-2024

Date of Decision: 16.04.2024

Manpreet Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Santosh Kumar Yadav, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 0001 dated 10.01.2024 (Annexure P-1) registered under Sections 120-B, 342 and 376(2)(n) IPC at Police Station Women, Dabwali, District Sirsa.

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.0001 dated 10.01.2024, under Sections 120-B, 342 and 376(2)(n) of IPC, registered at Police Station Women, Dabwali, District Sirsa.

Learned counsel for the petitioner inter alia submits that the victim in the present case is 35 years of age whereas the petitioner is 33 years of age. It is submitted that the FIR was registered on the basis of statement of the victim herself

and as per the contents of the FIR it seems that the relationship between the parties was consensual. Learned counsel for the petitioner submits that the victim herself has given her affidavit dated 15.1.2024 (Annexure P-2), as per which, she has now withdrawn her allegations against the petitioner and has categorically stated that the petitioner is innocent. Learned counsel for the petitioner has referred to para 4 of the impugned order dated 25.1.2024 (Annexure P-4), in which it has been noted that “....the matter has been compromised between the applicant-accused and the complainant and she has also furnished an affidavit in the Court in this regard and therefore, his custodial interrogation is not required....”. It is also contended that there is also a delay of 09 days in registration of the FIR and nothing is to be recovered from the petitioner. 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 and submits that the petitioner had developed physical relationship with the victim, who is a widow, on the pretext of marriage. Learned counsel further submits that the victim, in her statement, recorded on 11.1.2024 under Section 164 Cr.P.C., has alleged that the petitioner had developed physical relationship with her on the pretext of marriage.

At this stage, Mr. Santosh Kumar Yadav, Advocate has put in appearance and filed his Power of Attorney on behalf of respondent No.2/complainant, the same is taken on record. Learned counsel for respondent No.2/complainant does not dispute the affidavit dated 15.1.2024 (Annexure P-2) furnished by respondent No.2/complainant.

Adjourned to 16.4.2024.

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 petitioner submits that in compliance of the order dated 05.02.2024 passed by this Court, the petitioner has joined the investigation.

On instructions from ASI Gurmeet Kaur, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

Learned counsel for respondent No. 2-complainant also submits that he has ‘no objection’, in case, the present petition is allowed.

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

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall 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.

It is pertinent to mention here that in order dated 05.02.2024,

at the bottom of 3rd/last page of the order, the date of order has inadvertently been typed as February 05, 2025. It is ordered that the same be read as ‘**February 05, 2024**’, instead of February 05, 2025.

The petition stands disposed of.

16.04.2024
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(NIDHI GUPTA)
JUDGE

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