

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

201

Criminal Misc. No. M-6053 of 2024

Date of decision :-10.04.2024

Saurabh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

Mr. Namit Khurana, Advocate
for the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.327 dated 01.10.2023 (Annexure P-1), under Sections 323, 354-A, 377, 406, 498-A and 506 IPC, registered at Police Station Chhapar, District Yamuna Nagar.

On 05.02.2024, this Court had passed the following order

:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.327 dated 01.10.2023 (Annexure P-1), under Sections 323, 354-A, 377, 406, 498-A and 506 IPC, registered at Police Station Chhapar, District Yamuna Nagar.

Learned counsel for the petitioner/husband inter alia submits that the petitioner was married to the victim/complainant on 04.3.2018 and two daughters were

born out of the said wedlock, who, as admitted by the complainant in the FIR, are in the care and custody of the petitioner/husband. Learned counsel for the petitioner states that as per the FIR itself, the last incident is of September 2021, however, the FIR has been registered more than two years later on 01.10.2023. Learned counsel further submits that the allegations made in the FIR are false and fabricated. It is a case of matrimonial dispute and the complainant has roped in all the family members of the petitioner including petitioner's father, against whom allegations of mis-conduct have been made; petitioner's mother as well as his elder brother. He submits that nothing is to be recovered from the petitioner. Learned counsel further 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 in her statement recorded under Section 164 Cr.P.C., the complainant has supported the allegations made in the FIR inasmuch as she alleged that her father-in-law used to look at her with bad intention and touched her inappropriately and that the petitioner used to do unnatural sex with her.

Adjourned to 10.4.2024.

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 State counsel, on instructions from SI Mukesh Kumari states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation, is co-operating and no further interrogation is required at this stage.

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.

The petition stands disposed of.

April 10, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

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