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205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6365-2023 (O&M)
DATE OF DECISION : 21.05.2024

AKASH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Nidhi Dahiya, Advocate for
Mr. Deepinder Singh, Advocate for the petitioner.

Ms. Jasleen Chahal, AAG, 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. 181 dated 03.08.2022, under Section 376 IPC (Section 120-B IPC added later on), registered at Women Police Station NIT Faridabad, District Faridabad.
2. On 07.02.2023 following order was passed:

“xxxx Learned counsel for the petitioner contends that alleged incident is dated 05.07.2022, but the complaint leading to lodging of the FIR was filed only on 03.08.2022 by the complainant, who is married lady having a child. He has further referred to recorded conversation between the complainant and the co-accused, placed on record as Annexure P-3, to contend that it is apparently a case of honey trap.

Notice of motion.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana, accepts notice and seeks time to verify the recorded conversation and other related facts.

Adjourned to 21.03.2023.

The petitioner is directed to hand over the recorded conversation and the mobile phone to the Investigating Officer within three days.

In the meanwhile, arrest of the petitioner shall remain



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stayed.”

3. On 21.03.2023 following order was passed:

“Learned State counsel, upon instructions from ASI Monika, submits that pursuant to i the order dated 07.02.2023, the petitioner has recorded conversation and mobile phone to the Over the handed Investigating Officer. Voice sample of the complainant has also been taken. All this material has been sent to the forensic lab, its report is awaited.

Adjourned to 05.07.2023.

In the meanwhile, the petitioner shall join the investigation and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court. He further contends that the FIR has been lodged for extracting money. The alleged occurrence is dated 05.07.2022 whereas the FIR has been lodged after delay on 03.08.2022. The place of alleged occurrence is her home at Faridabad where the prosecutrix has alleged that she was present along with her child. It is a false story, on which the FIR has been lodged. Even the prosecutrix has demanded a sum of Rs. 4.5 Lakhs which has been recorded in an audio conversation *inter se* the petitioner and the prosecutrix as well as the Mediators.

5. Learned State counsel, referring to the report of Forensic Science Laboratory, Madhuban, Karnal (Annexure R-3) appended along with the status report has confirmed that the voice sample of the conversation matched with the prosecutrix and transcript of the said conversation is also part of the status report as Annexure R-2/A. Learned State counsel has further confirmed that the final report under Section 173

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Cr.P.C. has been presented in the Court and further custodial interrogation of the petitioner is not required.

6. In view of the aforesaid facts and the reasons recorded in the orders dated 07.02.2023 and 21.03.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 21.03.2023 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.

21.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No