

Sr. No.211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9513-2024

Date of decision: 20th April, 2024

AMIT KUMAR

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A,P.S. Mann, Advocate and
Mr. Navjot Singh Sidhu, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Neeraj Saini, Advocate
for respondent No.2.

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.138 dated 30.12.2023, under Sections 376(2)(n), 313, 323, 506 IPC, 1860, registered at Women Police Station, Sector 51, Gurugram (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. The relationship between the petitioner and the prosecutrix was consensual. The physical relationship was developed with the free will of the prosecutrix and no promise was made by the petitioner to marry the prosecutrix as she is already married and having two children.
3. Learned counsel for the petitioner submits that the petitioner was granted interim bail as per the order dated 22.02.2024, passed by his Bench. The

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Allegations against the petitioner are that he was in touch with the complainant since the year, 2020 through face book and they had been meeting in different hotels. In July, 2020 they developed physical relationship with mutual consent and thereafter, the relationship continued. In August, 2022 they started living together in Sector 43 Gurugram and the family members of the petitioner did not agree for their marriage. It is further in allegation that the complainant got pregnant and the pregnancy was terminated with the intervention of the petitioner.

Learned counsel for the petitioner inter alia contends that it was a consensual relationship and even as per the allegations against the petitioner, they developed physical relationship with their free will and there was no question of promise to marriage as the prosecutrix is already married and having two children aged 17 years and 14 years respectively.

Notice of motion.

On advance notice, Mr. Amrik Singh Narwal, DAG, Haryana appears on behalf of the State and seeks time to file status report.

Adjourned to 02.04.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police 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 from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.

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4. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 22.02.2024.

5. Learned State counsel, on instructions from Insp. Naresh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.
6. Mr. Neeraj Saini, Advocate has caused appearance on behalf of the complainant and filed his power of attorney which is taken on record.
7. In view of the reasons recorded in the order dated 22.02.2024 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 22.02.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
9. 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.

(HARPREET KAUR JEEWAN)
JUDGE

20th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No