

Sr. No.210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9400-2024

Date of decision: 20th April, 2024

VIJAY KUMAR @ BANTI

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, 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.55 dated 07.02.2024, under Sections 323, 354, 506, 509 IPC, 1860, registered at Police Station Kurukshetra University, District Kurukshetra (Annexure P-1).
2. On 22.02.2024, following order was passed by this Bench:-

“xxx xxx xxx xxx

Allegations against the petitioner are that the petitioner has been teasing and intimidating the complainant during the absence of her husband when he leaves home for going to work. He has threatened to kill her family members and also threw brick bats at their house, resulting to an injury, constituting an offence under Section 323 IPC. Learned counsel for the petitioner inter alia contends that present FIR is a counter blast to the FIR lodged by Kiran Devi-wife of the petitioner against Rajat-husband of the complainant with the allegations that he has forcibly committed rape and FIR No.13 dated 07.02.2024 at Police Station Kurukshetra University, District Kurukshetra under Sections 341, 342, 354-A, 354-B, 376, 506, 511 of IPC (Annexure P-2) has been registered.

Notice of motion.

On advance notice, Mr. Amrik Singh Narwal, DAG, Haryana appears on behalf of the State and confirms that FIR No.13 dated 07.02.2024 at Police

Station Kurukshetra University, District Kurukshetra under Sections 341, 342, 354-A, 354-B, 376, 506, 511 of IPC has been registered and an injury attributed to the petitioner is only under Section 323 IPC.

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.

xxx xxx xxx xxx”

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

4. Learned State counsel, on instructions from Insp. Dinesh Kumar confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. 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.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. 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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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>