

2024:PHHC: 062631 - 1 -

**CRM-1446-2024 IN/&
CRM-M-11754-2023 (O&M)
DATE OF DECISION : 06.05.2024**

... PETITIONER

... RESPONDENT

Present: Mr. S.D. Bakshi, Advocate and Mr. Sanjeev Kumar,
Advocate for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

None for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

CRM-1446-2024

1. This is an application for placing on record subsequent facts and events and translated copy of the FIR as Annexure P-3. The same is allowed to be taken on record, subject to all just exceptions.

2. Disposed of.

Main case

3. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.17 dated 14.2.2023 under Sections 328, 376 (2)(n) and 506 IPC registered at Women Police Station, Ballabgarh, District Faridabad.

4. On 20.03.2023 following order was passed:

“xxxx Mr. Yogeshwar Dayal Kaushik, Advocate, has put in appearance on behalf of the complainant by filing vakalatnama.

It has been alleged by the complainant, aged 24 years, that she was in employment with the petitioner's proprietary firm from 3.5.2022 to 6.12.2022. After about one month of joining, the

petitioner made her drink intoxicating substance and committed wrong act with her. When she protested, the petitioner showed her a video in his mobile phone and threatened, in case she told anyone about it, she would be defamed by making the video viral. By blackmailing her in this manner, the petitioner kept on committing the wrong act with her daily by calling her to his flat.

Learned counsel for the petitioner contends that the allegations are vague, there is no specific date of any incident referred therein. All these allegations surfaced after the complainant was terminated from service on 6.12.2022. Even otherwise, it is not believable that the petitioner would continuously be raped over a period of six months without any protest or any complaint having been lodged by her at any point of time.

On the last date of hearing, the petitioner was directed to hand over his mobile phone to the Investigating Agency.

Learned State counsel, on instructions from ASI Annu, contends that the petitioner handed over his mobile phone, which has been sent to Forensic Science Laboratory for examination.

In view thereof, matter is adjourned to 3.7.2023.

In the meanwhile, the petitioner shall join the investigation as 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. ”

5. 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.

6. Learned State counsel, on instructions from HC Kavita, has also confirmed that the petitioner has joined investigation and as per the report by Cyber Cell, Ballabgarh, Faridabad, no incriminating material/photographs/video were found in the mobile phones surrendered by the petitioner. State counsel further informs that custodial interrogation of the petitioner is not required.

7. In view of the aforesaid facts and the reasons recorded in the order dated 20.03.2023 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 20.03.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in 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. Pending miscellaneous application(s), if any, shall also stand disposed of.

06.05.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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