

CRM-M-18049-2024

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2024:PHHC:084154



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-18049-2024

Date of Decision: 08.07.2024

Ankit

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amit Prashar, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Nimanyu Guautam, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 10 dated 03.02.2024 (Annexure P-1) registered under Sections 376(2)(n) and 376-D read with Section 34 IPC at Police Station Women Ballabgarh, District Faridabad.

On 15.04.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.10 dated 03.02.2024 (Annexure P-1), under



Sections 376(2)(n), 376-D, 34 IPC, registered at Woman Police Station, Ballabgarh, District Faridabad.

Learned counsel for the petitioner inter alia submits that the petitioner was in consensual relationship with the complainant/victim/respondent No.2 herein. It is submitted that the present FIR emanates from an altercation that took place between the petitioner and the complainant. The complainant, who is present in person in Court has filed the present complaint due to ill advice; and she has now admitted the consensual relationship with the petitioner. Learned counsel submits that even a compromise dated 01.03.2024 (Annexure P-4) has also been entered into between the parties and affidavit of the complainant dated 01.03.2024 to this effect is Annexure P-5. Learned counsel for the petitioner further undertakes that the petitioner will join the investigation and will cooperate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice on behalf of State and seeks time to file reply in the matter. Mr. Nimanyu Gautam, Advocate has put in appearance and accepts notice on behalf of respondent No.2 and filed his Power of Attorney. The same is taken on record. Counsel for respondent No.2 does not dispute the contentions of learned counsel for the petitioner.

Adjourned to 08.07.2024.

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 counsel for the petitioner submits that in compliance of the order dated 15.04.2024 the petitioner has joined the investigation.

On instructions from PSI Poonam, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 01.05.2024 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 15.04.2024 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 co-operate 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.

It is pertinent to mention here that vide order dated 20.03.2024 passed by this Court, the petition bearing CRM-M-14451-



2024, titled as ‘Ankit and another vs. State of Haryana and another’, filed by the petitioner and his co-accused seeking quashing of impugned FIR No. 10 dated 03.02.2024 (Annexure P-1), on basis of compromise was dismissed.

Pending application(s), if any, shall also stand disposed of.

08.07.2024
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(NIDHI GUPTA)
JUDGE

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