

CRM-M-18324-2024 -1-

2024:PHHC:067328



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-18324-2024

Date of Decision: 14.05.2024

Vishu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Manish Soni, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Vakalatnama filed on behalf of the complainant is taken on record.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 0180 dated 15.03.2024 registered under Sections 376(2)(n), 323 and 509 IPC at Police Station Sector-10-A, District Gurugram.

On 16.04.2024, 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.0180 dated 15.03.2024, under Sections 376(2)(n), 323 and 509 IPC, registered at Police Station Sector 10-A, Gurugram.

Learned counsel for the petitioner inter alia submits that the petitioner in the present case is 24 years of age, whereas the prosecutrix/complainant is 23 years of age. It is stated that the petitioner and the complainant were in a



consensual relationship, which is evident from the fact that the petitioner had even made online monetary transfers in favour of the complainant as is evident from Annexure P-3. It is also stated that the allegations made in the FIR are false and fabricated, and the petitioner had never abused or beaten the prosecutrix/complainant and even there is no complaint filed and no medical record qua the beatings given by the petitioner to the complainant as alleged in the FIR. Learned counsel for the petitioner undertakes that the petitioner will join the investigation and co-operate 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 opposes the prayer made in the present petition on the ground that serious allegations have been leveled against the petitioner and the victim, in her statement recorded under Section 164 Cr.P.C., has supported the prosecution case.

Adjourned to 14.05.2024.

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 16.04.2024, passed by this Court, the petitioner has joined the investigation.



On instructions from L/SI Kiran, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; 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 16.04.2024 granting interim bail to the petitioner 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 cooperate 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.

14.05.2024
rishu

(NIDHI GUPTA)
JUDGE

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