



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

253

CRM-M-22284-2024

Date of Decision: 08.07.2024

Shubham

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vijay Pal, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 115 dated 30.03.2024 (Annexure P-1) registered under Sections 376(2)(n) and 506 IPC at Police Station City Bahadurgarh, District Jhajjar.

On 03.05.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 115 dated 30.03.2024 registered under Sections 376(2)(n) and 506 IPC at Police Station Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner, inter alia, submits that petitioner and the alleged victim/complainant were in a consensual relationship. It is submitted that the victim/complainant is twice divorced woman having 02 children. It is further submitted that the victim/complainant merely wanted to blackmail the petitioner and in actual fact, he wanted to marry the victim and it is she who refused to marry him, therefore, the allegations that the petitioner initiated physical relations with the victim on the pretext of



marriage are false and fabricated. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice; and on instructions from L/ASI Meena, informs that the petitioner and the victim/complainant have gone to hotel and the said fact has been verified from the entry register of the hotel.

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 an affidavit/status report as to the exact role of the petitioner along with 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 03.05.2024 the petitioner has joined the investigation.

On instructions from L/ASI Meenu, 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 20.05.2024 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 03.05.2024 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.

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