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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-25408-2024

Date of decision: 01.07.2024

Pardeep Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Suneel Sharma, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Suresh Nain, Advocate for
Mr. S.K. Bishnoi, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.136 dated 05.04.2024 (Annexure P-1) under Sections 323/354/365/379 of IPC and Section 376 (2)(n) of IPC was added later on after recording of statement under Section 164 of Cr.P.C. of the victim, registered at Police Station City Kaithal, District Kaithal.

On 20.05.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.136 dated 05.04.2024 under Sections 323, 354, 365, 379 of the Indian Penal Code, 1860 and Section 376(2)(n) of IPC was added after recording statement of the victim under Section 164 Cr.P.C., registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner, inter alia, contends that the petitioner and the complainant-prosecutrix performed marriage on 26.09.2019 in Pranchin Pashupati Nath Mandir, MDC, Sector-5, Panchkula and the complainant-prosecutrix being major performed the marriage with the petitioner with her



own sweet will. Thereafter, the petitioner and the complainant-prosecutrix approached this Court by filing CWP-28723-2019 seeking protection and vide order dated 03.10.2019, same was disposed of. Learned counsel for the petitioner relies upon the chats exchanged between the petitioner and the complainant-prosecutrix (Annexure P-6) and the photographs (Annexure P-7), to contend that the complainant-prosecutrix has admitted that FIR (supra) has been registered under the pressure of her parents. There is no medical evidence or any other scientific evidence to corroborate the case set by the complainant-prosecutrix.

Notice of motion.

Mr. S.K. Bishnoi, Advocate appears on behalf of the complainant and files his Vakalatnama, which is taken on record. He submits that the petitioner is not entitled to any concession, as he has not come to this Court with clean hands. The petitioner, while approaching this Court, seeking protection, he claimed himself to be marrying the complainant-prosecutrix for the first time. However, he concealed the factum of his earlier marriage performed in the year 2013 with cousin sister of the complainant-prosecutrix. It is further contended that reliance on the chats and photographs cannot be placed, as the Instagram ID is in the name of one Arohi Arohi and these chats are of 2019 and screenshot of the same cannot be taken into consideration.

Adjourned to 01.07.2024.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Dhanpati, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel appearing for the complainat vehemently opposed the grant of anticipatory bail to the petitioner on the ground of seriousness of the offence.

In view of the statement of learned State counsel, order dated 20.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

01.07.2024
Neha

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