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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24916-2024 (O&M)
Date of decision: 12.07.2024

Munsed

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Khalid Tauru, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Aazam Khan, Advocate
for respondent No.2-complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.273 dated 31.12.2022 under Sections 354-A, 376, 511, 323, 506, 34 of the Indian Penal Code, 1860 and Section 4 of Muslim Women (Protection of Right on Marriage) Act, 2019, registered at Police Station Rojka Meo, District Nuh.
2. Learned counsel for the petitioner, *inter alia*, contends that the



petitioner is brother-in-law of complainant-respondent No.2 and he has been falsely implicated in the case due to matrimonial dispute between complainant-respondent No.2 and her husband. There is no medical evidence to corroborate the case set up by the prosecution. Now the dispute between the parties has been amicably settled and complainant-respondent No.2 has taken divorce from her husband by way of mutual consent.

3. Learned counsel for respondent No.2 submits that complainant-respondent No.2 has no objection in case the petitioner is granted anticipatory bail, as the dispute between the parties has been amicably resolved.

4. Learned State counsel has filed the status report by way of affidavit of Surender Kumar, HPS, Deputy Superintendent of Police, Nuh, on behalf of respondent No.1-State in the Court today, which is taken on record and on instructions from SI Ramesh Chander, submits that the petitioner be directed to join the investigation.

5. Keeping in view the facts and circumstances of the case and the fact that co-accused Vakeela and Sakarbi have already been granted anticipatory bail vide order dated 18.09.2023 passed by learned Additional Sessions Judge, Fast Track Court for trial of rape cases, Nuh, present petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the terms and conditions envisaged under Section 438(2) Cr.P.C.



6. However, it is made clear that on advance notice, the petitioner will appear before the Investigating Officer for the purpose of joining the investigation as and when required by the investigating agency.

12.07.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No