

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-25922-2024

Date of Decision: 16.07.2024

Sonu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Viney Kumar Panedy, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. A.S. Arora, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

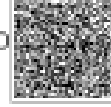
Vakalatnama filed on behalf of the complainant is taken on record.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 19 dated 24.04.2024, registered under Sections 376(2)(n) and 506 IPC at Women Police Station, Nuh.

On 21.05.2024, 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.19 dated 24.04.2024 (Annexure P-1) under Sections 376(2)(n) and 506 IPC, registered at Women Police Station, Nuh.

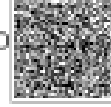
Learned counsel for the petitioner, inter alia, submits



that the allegations made in the FIR to the effect that the petitioner had allured the complainant/victim away on the pretext of a job and thereafter administered an intoxicating drink to her, because of which she became unconscious and then the petitioner had committed rape upon her, are absolutely false and fabricated. It is submitted that in actual fact, the petitioner and the prosecutrix are neighbours; and both are married to their respective spouses. They entered into an affair and accordingly both had consensually eloped on 19.04.2024. It is submitted that the prosecutrix can be seen sitting behind the petitioner on a motor-cycle, in a CCTV footage (Annexure P-2), when she was going with the petitioner. However, thereafter, father of the prosecutrix called the petitioner and the prosecutrix was duly handed over back to her father, who then returned the prosecutrix to her husband. It is stated that the prosecutrix is 25 years old married woman having three children and therefore the story put-forth by her does not inspire confidence. Learned counsel further submits the date of alleged incident is 19.04.2024, however, the FIR has been registered by the prosecutrix four days thereafter on 24.04.2024. As per the MLR dated 25.04.2024 (Annexure P-4) there is no injury on the person of the prosecutrix. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and 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 respondent-State and opposes the prayer made on behalf of petitioner and submits that the prosecutrix in her statement under Section 164 Cr.P.C. has supported the prosecution case. It is stated



that the petitioner has made a compromising video of the prosecutrix, on the basis of which, he was blackmailing her. However, learned counsel for the State seeks time to file the reply/status report in the matter.

Adjourned to 16.07.2024.

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 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 21.05.2024 the petitioner has joined the investigation.

Status report dated 10.07.2024 filed by way of affidavit of Ms. Sonakshi Singh, Assistant Superintendent of Police, Nuh, on behalf



of respondent-State is taken on record.

On instructions from ASI Naseem, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation thrice and lastly on 28.06.2024 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 21.05.2024 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.

16.07.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No