

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-26752-2023

Date of decision: 08.01.2024

Sarjeet

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.
Ms. Mahima Yashpal DAG Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.39 dated 30.01.2023, under Sections 376 (2)n, 506 & 201 (added later on) IPC registered at Police Station Gadpuri, District Palwal.

1. On 25.05.2023 the following order was passed:-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.39 dated 30.01.2023 under Sections 376(2)(n), 506 IPC registered at Police Station, Gadpuri, District Palwal.

2. Learned counsel for the petitioner contends that the complainant and the petitioner were known to each other for the last many years, and relations between the two were consensual. The complainant is 25 years of age, and as per the allegations in the FIR, had first developed sexual relations with the petitioner way back in the year 2016, and lastly in May 2022. No complaint against the petitioner was ever lodged by

her. It was only when he refused to marry her, allegations of rape etc. have been levelled which cannot be believed on the face of it.

3. Notice of motion.

4. Ms. Mahima Yashpal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

5. Adjourned to 11.10.2023.

6. In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions from ASI Kavita, has stated that pursuant to the order dated 25.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the mobile phone submitted by the petitioner is not in a suitable condition for it being sent to the concerned FSL, therefore, Section 201 IPC has been added.

3. In view of the above, the interim order dated 25.05.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 08, 2024
Ajay

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