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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26490-2024

Date of decision: 02.07.2024

Nawal Singh

....Petitioner

Versus

State of Haryana

...Respondent

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

Ms. Geeta Sharma, DAG, Haryana.

Mr. R.S. Hooda, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0051 dated 01.04.2024 under Sections 323/341/376/506 of IPC registered at Police Station Rewari Sadar, District Rewari (Annexure P-1).

On 23.05.2024, the following order was passed:-

'The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.0051 dated 01.04.2024 under Sections 323/341/376/506 of IPC registered at Police Station Rewari Sadar, District Rewari (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the prosecutrix is 46 years of age having four children and the relationship between the parties was consensual in nature and the case set up by the prosecution is not plausible and too far-fetched. He further submits that the FIR (supra) has been registered after a delay of 45 days and there is no other material to corroborate the bald allegations levelled against the petitioner. He further has placed reliance upon the judgments of the Hon'ble Supreme Court passed in 'Pramod Suryabhan Pawar Vs. The State of Maharashtra and another' (2019) 9 SCC 608, 'Uday Vs.State of Karnataka' (2003) 4 SCC 46, 'Anil Meena Vs. State of Rajasthan' 2022 SCC Online SC 1689 and 'Mukesh Kumar Singh Vs. State of Rajasthan and another' 2022 SCC Online SC 1687.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Randhir Singh Hooda, Advocate puts in appearance on



behalf of the complainant and vehemently opposed the grant of anticipatory bail to the petitioner on the ground that even if the relationship between the parties was consensual, yet the petitioner forced himself upon the prosecutrix against her will and in similar circumstance the Hon’ble Apex Court in ‘Raj Kumar Vs. The State of Karnataka and another’ SLP (Crl.) No.6279 of 2023 has refused to quash the FIR.

In the meantime, keeping in view the 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 137 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab (1980) 2 SCC 565, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

Adjourned to 02.07.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.’

Learned State counsel on instructions from ASI Neetu, 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 complainant 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 23.05.2024 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

02.07.2024

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