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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27783-2024

Date of decision: 05.07.2024

Harit Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Ms. Geeta Sharma, DAG, Haryana.

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.125 dated 02.05.2024 under Sections 313, 323, 376(2)(n) IPC registered at Police Station Sector 50, Gurugram.

On 29.05.2024, the following order was passed:-

'The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.125 dated 02.05.2024 under Sections 313, 323, 376(2)(n) IPC registered at Police Station Sector 50, Gurugram.

Learned counsel for the petitioner inter alia contends that respondent No.2 is a mature lady, 3 years elder to the petitioner and they were in a consensual physical relationship. It is pertinent to note that the petitioner never made a promise to marry her, nor is there an iota of evidence suggesting the same. Moreover, it was the mutual decision of the parties to abort the pregnancy and the same is corroborated by the fact that the consent form bears both their signatures. Furthermore, no medical evidence has been brought on record to make out the offences under Sections 313, 323 and 376 IPC. He further contends that in the WhatsApp chats (Annexure P-2, P-6, P-7), respondent No.2 has admitted that she forced the petitioner to engage in physical relations and continued to do so even after the pregnancy. She has also admitted that the petitioner is being falsely implicated to defame him. Lastly, respondent No.2 sent a legal notice through her cousin brother who is an advocate, demanding Rs. 25,00,000/-, which makes it clear that she is engaging in pressure tactics to extort money from the petitioner. Counsel for the petitioner to substantiate his assertions has relied upon the messages exchanged between them and has also placed on record the pen drive containing recording of the conversation between the complainant and the petitioner. He further has placed reliance upon the judgments of the



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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.

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

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, 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 05.07.2024.

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 Inspector Satyawar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 29.05.2024 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

05.07.2024

Neha

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