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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29003-2024

Date of decision: 08.08.2024

Sunny

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Ms. Geeta Sharma, DAG, Haryana.

Ms. Sumitra Gupta, Advocate
for respondent No.3.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.744 dated 28.11.2023 (Annexure P-1) under Sections 363/366 of IPC (Sections 467/468/471 of IPC added later on) registered at Police Station Sector 10, District Gurugram.

On 16.07.2024, the following order was passed:-

'Prayer in the present petition filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.744 dated 28.11.2023 registered under Sections 363, 366 of IPC at Police Station Sector 10, District Gurugram.

Reply dated 13.07.2024 filed by way of an affidavit of Naveen Sharma, HPS, Assistant Commissioner of Police, West, Gurugram on behalf of respondent No.1-State, which is taken on record.

Learned counsel for the petitioner inter alia contends that the petitioner and respondent No.3 were in consensual relationship and both of them eloped and solemnized marriage on 03.02.2024. The mother of respondent No.3 has lodged the FIR (supra) as she is opposed to their relationship. It is further contended that petitioner and respondent No.3 are major and mature enough to take care of their welfare and both of them are cohabiting together as husband and wife.

*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***



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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 08.08.2024.

Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Sandeep Kumar, 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 16.07.2024 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

08.08.2024

Neha

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