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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-27864-2024 in/and
CRM-M-30114-2024
Date of decision: 08.08.2024

Dinesh @ Ankit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhinav Gupta, Advocate
for the applicant/petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. P.R. Yadav, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)**CRM-27864-2024**

The present application has been filed under Section 482 Cr.P.C.
for placing on record reply and Annexures R-2/1 to R-2/5 and seeking
exemption from filing certified and typed copies of the same.

In view of the averments made in the application, the same is
allowed and reply and Annexures R-2/1 to R-2/5 are taken on record subject to
all just exceptions and exempted from filing certified and typed copies of the
same.

CRM-M-30114-2024

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail to the petitioner in case bearing FIR No.142 dated



29.04.2024 under Sections 376/506 of IPC registered at Police Station Rewari City, District Rewari (Annexure P-1).

On 10.07.2024, 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 case bearing FIR No.142 dated 29.04.2024 under Sections 376/506 of IPC registered at Police Station Rewari City, District Rewari (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner and the prosecutrix were in a consensual relationship. The prosecutrix is major and mature enough to understand the consequences of the choice she made as an adult. The FIR (supra) was registered after a delay of eight months from the date of incidence. He further relies upon the WhatsApp chat between the petitioner and the prosecutrix to prove that they were having an affair with each other.

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. P.R. Yadav, Advocate puts in appearance on behalf of the complainant and submits that the petitioner has emotionally blackmailed the complainant as she was under constant pressure and threat to claim all the physical advances made by the petitioner and only under the pressure, she was sexually exploited by the petitioner and the WhatsApp chat is available on record to indicate that petitioner used to extend threats to the prosecutrix.

*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 08.08.2024.

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.'



CRM-27864-2024 in/and
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Learned State counsel on instructions from Inspector Surinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant vehemently opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is of violent nature and he has been continuously threatening the complainant and, as such, the petitioner has been rightly booked in the FIR (*supra*).

In view of the statement of learned State counsel, order dated 10.07.2024 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