



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-31378-2024 (O&M)**

Date of Decision: 21.11.2024

Amit

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Rohit Kumar, Advocate for  
Mr. Mohd. Shahid Hussain, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

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**NIDHI GUPTA, J. (ORAL)**

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.13 dated 08.01.2023 (Annexure P-1) under Section 376 IPC, registered at Police Station Gohana City, District Sonapat.

On 05.07.2024, when this case was listed for hearing, following order was passed by this Court:-

*“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.13 dated 08.01.2023 (Annexure P-1) under Section 376 IPC, registered at Police Station Gohana City, District Sonapat.*

*Learned counsel for the petitioner, inter alia, submits that the petitioner has been falsely implicated in the present case. It is stated that no medical evidence whatsoever is on record to incriminate the petitioner. Even otherwise, as per the FIR*



*itself, the date of alleged incident is 28.12.2022, whereas the FIR has been registered after a delay of 12 days i.e. on 08.01.2023. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.*

*Notice of motion.*

*On asking of the Court, Mr. Surinder Kumar Dagar, DAG, Haryana accepts notice on behalf of respondent-State, opposes the prayer made on behalf of petitioner and submits that there are specific allegations made in the FIR against the petitioner. Even in her statement, recorded under Section 164 Cr.P.C., the prosecutrix/complainant has supported the allegations made in the FIR. It is, however, admitted by learned State counsel, on instructions from ACP Kapil Ahlawat, that the prosecutrix had refused to do the external and internal medical examination. In the MLR only blood pressure and other vitals were examined. However, learned counsel for the State seeks time to file the detailed status report in the matter.*

*Adjourned to 21.11.2024.*

*In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-*

- i. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as*



*to dissuade him/her from disclosing such facts to the Court or to any police officer;*

*iii. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

*Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner along with details of pending FIRs, if any, on or before the next date of hearing.”*

Learned counsel for the petitioner submits that in compliance of the order dated 05.07.2024 passed by this Court, the petitioner has joined investigation on 20.09.2024.

Learned counsel for the State, on instructions from L/ASI Parmila Devi, submits that the petitioner has joined investigation on 20.09.2024 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 05.07.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.



Pending application, if any, stands disposed of.

**21.11.2024**  
*Divyanshi*

**( NIDHI GUPTA )**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |