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

CRM-M-32284-2024

Date of decision: 08.08.2024

Veer Sain

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.280 dated 10.06.2024 (Annexure P-1) under Sections 376(2)(n)/506 of IPC registered at Police Station Dabua, District Faridabad.

On 10.07.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C. '), seeking anticipatory bail in FIR No.280 dated 10.06.2024 under Sections 376(2)(n) & 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Dabua, District Faridabad.

Learned counsel for the petitioner, inter alia, contends that the prosecutrix is major and is 34 years of age and she was in consensual relationship with the petitioner for the last 07 years. There was no reason for the petitioner to marry her, as he was already married.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. N.K. Vashist, Advocate appears on behalf of the complainant and files Memorandum of Appearance, which is taken on record.

Learned State counsel, assisted by learned counsel for the complainant, submits that the petitioner has exploited the prosecutrix on the pretext of marriage and he has wrongly proclaimed that his wife has expired. Adjourned to 08.08.2024.

*Keeping in view the ratio of 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)***



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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 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from Inspector Vidya Sagar, 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 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