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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33636-2024

Date of decision: 14.08.2024

Subhash

....Petitioner

Versus

State of Haryana

...Respondent

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

Mr. Kushager Goyal, Advocate for respondent/complainant.

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.234 dated 21.05.2024 under Sections 354/354-D (I) (ii)/376/506/511 of IPC registered at Police Station Civil Lines Sirsa.

On 17.07.2024, 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.234 dated 21.05.2024 under Sections 354, 354-D(I)(ii), 376, 506, 511 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Civil Lines, Sirsa.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case and there is no medical evidence corroborating the case set up by the prosecution. The alleged incident took place in the month of January, 2024 and the FIR (supra) was lodged on 21.05.2024 and during that period, the prosecutrix received hefty amount from the petitioner on various occasions, which completely falsifies the prosecution version.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Kushager Goyal, Advocate appears on behalf of the complainant and files his Vakalatnama in the Court today, which is taken on record. Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there was business transactions between the petitioner and father of the prosecutrix.



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Adjourned to 14.08.2024.

*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) 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 HC Pradeep 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 17.07.2024 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

14.08.2024

Neha

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