

CRM-M-38534-2023 (O&M) 2024:PHHC: 061027 - 1 -

317 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38534-2023 (O&M)
DATE OF DECISION : 02.05.2024

SHYAM GARG ... PETITIONER
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ritesh Tomar, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 319 dated 19.06.2023, under Sections 313, 323, 376(2)(n), 377, 506 and 342 IPC, registered at Police Station Adarsh Nagar, Ballabgarh, District Faridabad.

2. On 07.08.2023 following order was passed:

“xxxx It is inter alia submitted by learned counsel for the petitioner that the petitioner and the complainant were both previously married and have children from their respective spouses. It is submitted that the petitioner and the complainant were in consensual live-in-relationship, which is also evident from the Live-in-Relationship Deed (Annexure P-2). It is submitted that both the parties knew about their previous marriages. It is submitted that the allegations made in the FIR are false.

Notice of motion.

On asking of the Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of respondent-State. Learned State counsel submits that he has no instructions in the matter.

Adjourned to 17.11.2023.

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 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.:-

iv) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

v) 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 ;

vi) 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/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from ASI Bharat Bhushan, has also confirmed that the petitioner has joined investigation. State counsel further informs that custodial interrogation of the petitioner is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 07.08.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 07.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

02.05.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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