

**Sr. No.285****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39856-2024 (O&M)****Date of decision: 11th November 2024****TABREZ ALAM****.....Petitioner****versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Parvez Chugh, Advocate and
Mr. Himanshu Setia, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.189 dated 21.03.2024, under Sections 323, 376(2)(n), 506, 509 IPC, 1860, registered at Police Station Sector 10-A, Gurugram (Annexure P-1).

2. On 14.08.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia contends that as per the FIR, the petitioner is alleged to have repeatedly sexually outraged the prosecutrix, however, it was a consensual relationship inter se the two adults. The prosecutrix is having 3 children and first incident is alleged to have happened in April, 2023. He further contends that there is no incriminating medical evidence against the petitioner. There is a delay of about 1 year in lodging of the present FIR, after the first alleged occurrence.

Notice of motion.



On the asking of the Court, Mr. Amrik Singh Narwal, DAG, Haryana accepts notice on behalf of the respondent-State and seeks time to file status report.

Adjourned to 11.11.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police 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 from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 14.08.2024.

4. Learned State counsel, on instructions from L/SI Sarla, confirms that the petitioner has joined investigation on 03.09.2024 and also contends that his further custodial interrogation is not required.

5. Keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency and also in view of the reasons recorded in the order dated 14.08.2024, the present petition is allowed and the order dated 14.08.2024, granting interim bail to the petitioner is made absolute, subject



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

7. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11th November 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>