

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-44438-2022

Date of Decision: 29.07.2024

Pardeep Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sanjay Verma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Ashit Malik, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 61 dated 18.08.2022 (Annexure P-1) registered under Sections 34, 354, 376 and 506 IPC at Police Station Women Kurukshetra, District Kurukshetra.

On 26.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“CRM-39329-2022

Application is allowed, as prayed for.

Copy of Guest Entry Register of Hotel York, Karnal and copy of transcription of audio recording along with CD (Annexure P-3 to P-5) are taken on record, subject to all just exceptions.

CRM-M-44438-2022

Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.61 dated 18.08.2022 registered under Sections 34, 354, 376 and 506 IPC at Police Station Women, Kurukshetra, District Kurukshetra.

Learned counsel for the petitioner, inter alia, submits



that at the time of alleged occurrence, the complainant/prosecutrix was a 20 years old married lady having 03 children. The parties were in a consensual relationship. It is further submitted that as per the FIR, the date of alleged incident is 10.06.2022, however, as per Annexure P-3 which is the Guest Entry Register of Hotel York, Karnal, where the petitioner is alleged to have taken the complainant, the date of entry is 05.06.2022, therefore, on the face of it, the allegations levelled in the FIR are false. Learned counsel further submits that it has also been alleged against the petitioner that he had taken obscene photographs of the complainant and, thereafter, is blackmailing her.

On the other hand, learned counsel for the State submits that petitioner has not yet joined the investigation. The complainant had provided screen shots of obscene photographs of the complainant, as such, the mobile of the petitioner is yet to recovered from him and he is required to join investigation for the same.

Learned counsel for the complainant submits that the petitioner had demanded Rs.50,000/- from the complainant in order to procure a job for her; and subsequently, he had demanded an additional sum of Rs.50,000/- from the complainant by blackmailing her for not making viral her obscene photographs on internet.

Perusal of the file shows that vide order dated 17.10.2022, a co-ordinate Bench had directed that no coercive action shall be taken against the petitioner till the next date.

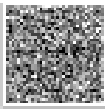
In view of the above, the petitioner is directed to join the investigation within two weeks from today or any other date and time as directed by the Investigating Officer and render his full co-operation in the investigation.

Adjourned to 29.07.2024.

Interim order dated 17.10.2022, to continue till the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 26.02.2024 the petitioner has joined the investigation.

On instructions from L/SI Taro, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 14.03.2024 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 26.02.2024 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and co-operate 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

29.07.2024

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No