

Sr. No.211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46679-2023
Date of decision: 06th February, 2024

AZRUDDIN AASMOHAMMAD SAYYADPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Pankaj Nanhera, Advocate and
Mr. Yogesh Vashista, 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 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.384 dated 30.07.2023, under Sections 346, 328, 362, 376(2)(n), 506 IPC and Section 12(1) of the Haryana Prevention of Unlawful Conversion of Religion Act 16 of 2022, registered at Police Station Adarsh Nagar, Faridabad, Haryana (Annexure P-1).
2. There are allegations against the petitioner that the petitioner has helped the main accused Shahrukh, who got married to the victim. The victim is a Hindu girl and there are allegations that the victim has converted her religion at the time of getting married with the co-accused of the petitioner. The petitioner has assisted the main accused in performance of the said marriage.
3. On 25.09.2023, following order was passed:-

“xxxx

1. *Petitioner is seeking anticipatory bail in the case bearing FIR No. 384 dated 30.07.2023 under Sections 346/328/362/376(2)(n)/506 IPC and Section 12(1) of the Haryana Prevention of Unlawful Conversion of Religion Act registered at Police Station Adarsh Nagar, Faridabad.*

2. *Learned counsel for the petitioner contends that the petitioner is a distant relative of Shahrukh, co-accused. The allegations against the petitioner are only to the effect that he had got booked room in the hotel in Mumbai for the victim and the co-accused. The said allegation is not substantiated with any material. Even the name of the petitioner has not been specified by the victim in her statement. The petitioner has been sought to be nominated on the basis of statements of the relatives of the victim at a later stage. Furthermore, it is not a case where the victim, who is a Hindu girl, has converted her religion but on the contrary, Shahrukh, co-accused, has converted the religion and solemnized marriage with the victim.*

3. *Notice of motion.*

4. *Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State and seeks adjournment to get instructions and submit the reply in the matter.*

5. *Adjourned to 05.12.2023.*

6. *In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.*

xxxx"

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order 25.09.2023, passed by the Coordinate Bench of this Court.

5. Learned State counsel has filed status report by way of affidavit of Sh. Vishnu Parshad, HPS, Assistant Commissioner of Police, Ballabgarh, District Faridabad, wherein, it is mentioned that during investigation, co-accused Mubin @ Lala was arrested on 16.09.2023 and after completion of investigation, final report against co-accused of the petitioner namely Shahrukh and Mubin @ Lala was presented before the trial Court and charges have been framed.

6. Learned State counsel, on instructions from ASI Bharat Bhushan, confirms that the petitioner has joined investigation on 11.12.2023 and also contends that his further custodial interrogation is not required.

7. In view of the reasons recorded in the order dated 25.09.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 25.09.2023 passed by the Coordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

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

9. 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.

(HARPREET KAUR JEEWAN)
JUDGE

06th February, 2024
sim

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>