

CRM-M-51748-2023 (O&M)
Date of Decision: 01.02.2024

MANOJ KUMAR

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Neera Yadav, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

None for respondent No. 2.

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.123 dated 11.07.2023, under Sections 328, 354-D, 376 (2) (n), 377 and 506 of the IPC registered at Police Station Women, District Rewari.
2. Counsel for the petitioner *inter alia* submits that the petitioner was granted interim bail as per the order dated 12.10.2023 passed by the co-ordinate Bench of this Court.
3. The relevant portion of the aforesaid said order reads as under:-

XXXX XXXX XXXX XXXX

“Learned counsel for the petitioner, beer-ada, contends that the respondent No.2-prosecutrix is a marriest lady, having children also and in fact, she was having consensual physical relationship with the petitioner since long and he (petitioner) had been fulfilling her frequent demands for money but when he refused to do so any more, she has got

him falsely implicated in the criminal case under reference and that too, after about 814 years from the date of the alleged occurrence and moreover, he (petitioner) is ready and willing to join the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has put in appearance on behalf of respondent No.1 in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also and he further requests that the petitioner be directed to hand over his mobile phone, having the objectionable pictures of respondent No.2-prosecutrix, to the Investigating Officer.

Adjourned to 22.01.2024.

Let notice be issued to respondent No.2 for the date fixed through ordinary process, email or any other electronic mode.

Meanwhile, the petitioner shall join in the investigation on 19.10.2023 at 10:00 AM sharp and if there need be, even thereafter and he shall hand over his afore-said mobile-phone to the Investigating Officer on the above-referred day (19.10.2023) and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions, as laid down in Section 438(2) Cr.P.C. Cr.P.C.”

4. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 12.10.2023 passed by the co-ordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Sunita confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required. No other co-accused is named in the FIR except the present petitioner.

6. As per office report, service is complete but there is no representation on behalf of respondent No. 2-complainant.

7. In view of the reasons recorded in the order dated 12.10.2023 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 12.10.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in 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/recall 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.

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

February 01, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No