

Neutral Citation No. 2024:PHHC:064541

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-53191-2023 (O&M)
Date of decision: 09.05.2024

Lalit Kumar ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Vashisth, Advocate
for the petitioner.

Mr. Ashish Bishnoi, AAG, Haryana.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 249, dated 06.09.2023, under Sections 343, 363, 366, 506, 376(2)(n) and 379-A of IPC at Police Station Kosli, District Rewari.
- Vide order dated 19.10.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 19.10.2023, passed by this Court, reads as under:

“...2. Learned counsel for the petitioner contends that the prosecutrix is a mature lady, aged about 29 years and is having two children. The FIR has been lodged by the prosecutrix on the allegations that on 04.04.2023, the prosecutrix had gone to fetch her children and the petitioner, who is her relative, took them in vehicle to

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Gurugram side. The children were forcibly dropped at the place of the aunt of the prosecutrix and the petitioner forcibly committed wrong act with her. He also threatened that an obscene video has been prepared and will make the same viral. The prosecutrix was forcibly kept by the petitioner in Gurugram for three months and was sexually exploited. On 05.09.2023, the petitioner had gone out of the room and she sent the location to her family members from his mobile phone of the petitioner and was rescued. It was further submitted that the occurrence allegedly took place on 04.04.2023 and the FIR has been lodged after a delay of six months. The husband of the prosecutrix had filed a petition under Section 13 of the Hindu Marriage Act for dissolution of the marriage and the petitioner has been arraigned as respondent No.2 in the said proceedings. The husband of the prosecutrix has levelled allegations to the effect that the prosecutrix has developed physical relationship and intimacy with the petitioner and living in adultery. As per the allegations in the said petition, the prosecutrix had fled away with the petitioner alongwith the minor children. The children were left in unsafe and unclaimed condition. The matter was also reported to the police. Besides, the sister-in-law of the prosecutrix had lodged an FIR No.84 dated 04.04.2023 under Section 346 IPC registered at Police Station Kosli when the prosecutrix went missing from the house. During the course of investigation of the said case, the statement of the prosecutrix under Section 164 Cr.P.C. was recorded, wherein, it was stated that she does not want to live with her husband and wants to reside with the petitioner. The said statement was recorded prior to registration of present FIR. Besides, the prosecutrix had also sworn an affidavit, Annexure P-5, which also indicates that the petitioner and

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the prosecutrix were in live-in-relationship. The whatsapp chats exchanged between the petitioner and the prosecutrix and the photographs also indicate that the relationship between the parties was mutual and consensual.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent No.1-State and seeks adjournment to get instructions and submit the reply in the matter.

5. Adjourned to 05.01.2024. 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.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 19.10.2023 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 19.10.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

09.05.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No