

Sr. No.209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53150-2023
Date of decision: 20th April, 2024

SURENDER CHANDILAPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, 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.119 dated 11.09.2023, under Sections 313, 376(2)(n) IPC, registered at Women Police Station, Faridabad, District Faridabad (Annexure P-1).
2. On 18.10.2023, following order was passed by the co-ordinate Bench of this Court:-

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2. *Learned counsel for the petitioner contends that the prosecutrix is a mature lady, aged about 36 years. As per the allegations, the divorce proceedings with her husband were pending. It has also been alleged that the petitioner had developed physical relations with the prosecutrix on the false pretext of marriage. The prosecutrix allegedly became pregnant but the said allegation is false. The prosecutrix had not conceived and this fact is made out from the ultra-sound report, Annexure P-11. Furthermore, the petitioner is also a married person and the prosecutrix was having the knowledge thereof. Consequently, it cannot be said that the petitioner could have deceived the prosecutrix in developing physical relations on the false pretext of marriage, particularly, when the marriage of the petitioner as*

well as the prosecutrix was subsisting. Prior to the registration of the FIR, the prosecutrix had submitted a complaint, Annexure P-2 to the Officer-in-Charge, Police Station BPTP, Faridabad raising allegations with regard to taking of a sum of Rs. 15 lakhs and gold items worth Rs. 5 Lakhs against the petitioner and his wife. It was also alleged that the prosecutrix was in relationship with the petitioner for the last more than 2-1/2 years. The allegations were also levelled against the wife of the petitioner. The complaint is dated 21.08.2023. Subsequently, on the same day, the prosecutrix had made the statement, Annexure P-3 withdrawing the said complaint. The FIR has been lodged thereafter on the basis of the false allegations. Even the petitioner had got registered an FIR bearing No. 758 dated 10.09.2023 under Sections 384, 506 IPC registered at Police Station Camp Palwal, Annexure P-4 against the prosecutrix alleging that she had been extracting money from him. The present FIR has been lodged subsequently as a counter-blast to the said FIR registered at the instance of the petitioner.

3. *Notice of motion.*

4. *Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State and seeks adjournment to submit reply in the matter.*

5. *Mr. Saurabh Sharma, Advocate has joined the proceedings on behalf of the complainant and has placed on record his vakalat-nama.*

6. *Adjourned to 14.12.2023.*

7. *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.*

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3. Learned counsel for the petitioner *inter alia* contends that the petitioner has joined the investigation in compliance of the said order dated 18.10.2023.

4. Learned State counsel, on instructions from ASI Neelam, confirms that the petitioner has joined investigation. She further contends that the custodial

interrogation of the petitioner is not required since a cancellation report has already been prepared. This fact has also been mentioned in the status report dated 21.03.2024, filed by way of affidavit of Ms. Monica, HPS, Assistant Commissioner of Police, Women Safety, Faridabad. As per the status report, the SIT headed by the Assistant Commissioner of Police, Ballabgarh came to the conclusion that the present complaint, filed on behalf of the prosecutrix, is false and the cancellation report has been prepared. Custodial interrogation of the petitioner is not required.

5. In view of the reasons recorded in the order dated 18.10.2023 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 18.10.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

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.

(HARPREET KAUR JEEWAN)
JUDGE

20th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No