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THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54433 of 2023 (O&M)
Date of Decision: 14.03.2024

Anil Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohit, Advocate for
Mr. Sumit Sangwan, Advocate
for the petitioner.

Ms. Upasna Dhawan, AAG, Haryana.

Mr. Mukesh Rao, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

CRM-51-2024

Instant application has been filed for exemption from filing the certified/true typed copies of Annexures R-2/1 to R-2/3 and for placing on record the same.

For the reasons recorded in the application, exemption from filing the certified/true typed copies of Annexures R-2/1 to R-2/3 is granted and copies of Annexures R-2/1 to R-2/3 are ordered to be taken on record.

Application stands disposed of.

CRM-M-54433-2023 (O&M)

Present third petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0527, dated 04.05.2022 (Annexure P-2) under Sections 323, 34, 354, 376, 376(2)(n),

506 of Indian Penal Code, 1860 (Sections 323 and 34 IPC deleted and Section 354-D of IPC added during investigation), Police Station Hisar Sadar, District Hisar.

Petitioner was summoned under Section 319 Cr.P.C. by the trial Court and thereafter this Court had granted him the interim bail vide order dated 31.10.2023.

As submitted before this Court that the petitioner has appeared before the trial Court in pursuance to the order passed by this Court. In the meantime, learned counsel for the prosecutrix has filed the application for cancellation of the bail on the allegation that the petitioner is threatening the prosecutrix not to depose before the trial Court. This Court directed the State to assess the veracity of allegations made and file the status report.

Learned counsel for the State has drawn the attention of this Court to the status report filed wherein the allegations made by the prosecutrix have been examined and the same were found to be false.

Learned counsel for the petitioner has submitted that the petitioner is regularly appearing before the trial Court and false allegations have been made by the prosecutrix only to get his interim bail cancelled.

Learned counsel for the State has affirmed the fact that the petitioner is regularly appearing before the trial Court.

Learned counsel for respondent No.2 has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is involved in a serious offence and as per the law settled, he could not be granted the benefit of anticipatory bail. He further relied upon a judgment passed in Criminal Appeal No.1834 of 2022 titled as '**Sumitha Pradeep Vs. Arun Kumar C.K. & Another**' decided on 21.10.2022.

On hearing learned counsel for the parties and perusing the record, it is apparent that during the investigation, the petitioner was found to be innocent and thus, he was kept in Column No.2. However during the trial, on filing of application under Section 319 Cr.P.C., the petitioner was summoned for facing the trial along with the co-accused. The allegations made by the prosecutrix i.e. respondent No.2 for seeking cancellation of interim bail granted to the petitioner are not substantiated as per the status report filed by the State. The petitioner is duly appearing before the trial Court.

In view of the above, the interim bail granted by this Court vide order dated 31.10.2023 is confirmed. The petitioner is directed to keep on appearing before the trial Court as per its directions. However the State is further directed to ensure that the petitioner do not misuse the concession of bail granted by this Court. In case any such violation is found against the petitioner, the State would be at liberty to file appropriate application for cancellation of the bail granted to the petitioner by this Court. Pending application bearing CRM-52-2024 stands dismissed.

Present petition is allowed.

14.03.2024

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No