

2024:PHHC:006246

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CRM-M-57630-2023
Date of decision: 18.01.2024

Ugarsain

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Partap Singh, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana

Ms. Kashish Sahni, Advocate for
Mr. Harshit Jangra, Advocate,
for the complainant.

SUMEET GOEL, J. (ORAL)

1. On 21.11.2023, the following order was passed:-

"1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.88 dated 15.09.2023 registered under Sections 354-C/376(2)(n)/506 IPC, 1860 (later on Sections 509/354-D and Section 67-A of IT Act were added) at Women Police Station, District Bhiwani.

2. Briefly, as per the allegations, in the month of May, 2022, the petitioner had taken the photographs and made video while the prosecutrix was taking bath. It has been alleged that on the threat of said photographs and video, the petitioner had forcibly developed physical relation with the prosecutrix.

3. Learned counsel for the petitioner contends that the prosecutrix is a married lady, aged about 37 years and the petitioner is aged about 33 years. The relationship between the petitioner and the prosecutrix was consensual. The petitioner as well as the prosecutrix had been visiting hotels together which is made out from the entries in the hotel register Annexure P-2. The photographs Annexures P-3 also indicate that the relationship was consensual. The petitioner has been falsely implicated on account of monetary dispute with the husband of the prosecutrix and a notice with regard to dishonour of the cheque has been served upon him.

4. Notice of motion.

5. Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf of the respondent-State and seeks time to file reply in the matter.

6. Adjourned to 04.01.2024.

7. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions from Inspector Saroj, has stated that pursuant to the order dated 21.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the allegations against the petitioner are very serious in nature & she has never ever consented to video recording by the petitioner. It has also been brought to the notice of this Court by the learned State counsel that at the time of registration of FIR, Section 201 IPC was not added, however, it was added later on.

3. In view of above, the interim order dated 21.11.2023 passed by this Court whereby petitioner has been granted pre-arrest bail shall be read in context of offence under Section 201 IPC also. The same is made absolute subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be

confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 18, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No