

Sr. No.208

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-57662-2023  
Date of decision: 07<sup>th</sup> February, 2024

GAUTAM ALIAS GOUTAM .....Petitioner

versus

STATE OF HARYANA .....Respondent

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Parvinder Mor, Advocate  
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Balkar Singh, Advocate  
for the complainant.

**HARPREET KAUR JEEWAN, J. (ORAL)**

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.367 dated 16.09.2023, under Sections 323, 354-A, 452, 506 of IPC (Section 376 IPC added later on), registered at Police Station Matlauda, Panipat, District Panipat (Annexure P-1).
2. Learned counsel for the petitioner also submits that the petitioner was granted interim bail as per the order dated 04.12.2023 passed by this Bench.
3. The relevant portion of the aforesaid said order reads as under:-

“xxx xxx xxx xxx

*Learned counsel for the petitioner inter alia contends that both the petitioner and complainant are married to their spouses. However, petitioner and complainant were in relationship with each other. They used to chat with each other on Whatsapp and Instagram. Complainant and petitioner had established their relationship with each other multiple times as they used to like each other. In order to meet the desire of the complainant, the petitioner had even filed a divorce*

*petition against his wife but now the false FIR got registered by the complainant when the relationship came to the notice of her family members. Both are major and there is no question of use of force against the complainant.*

*Notice of motion.*

*Mr. Kapil Gupta, Advocate, who is present in Court, has put in appearance on behalf of the complainant.*

*Adjourned to 17.01.2024.*

*In the meanwhile, the petitioner is directed to join investigation within one week and in that event he shall be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate subject to the following conditions:-*

*1) Petitioner shall not visit the city where the victim is residing during the pendency of the investigation.*

*2) Petitioner shall neither make telephonic calls to the victim nor any of her family member nor will he interfere in the investigation of the case.*

*He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.*

*xxx xxx xxx xxx”*

4. Counsel for the petitioner further submits that the petitioner has joined the investigation on 09.12.2023 in compliance of the aforesaid order dated 04.12.2023 passed by this Bench.

5. Status report dated 22.11.2023 by way of affidavit of Sh. Krishan Kumar, HPS, Deputy Superintendent of Police, Crime Against Women, Panipat was filed on behalf of respondent-State of Haryana and the same is taken on record.

6. Learned counsel appearing on behalf of the respondent-State, on instructions from Lady/ASI Suresh Kumari, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

7. In view of the reasons recorded in the order dated 04.12.2023 and keeping in view the fact that the petitioner has joined investigation, his/her further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 04.12.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under 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/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

07<sup>th</sup> February, 2024  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |