

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRA-S-3376-2023 (O&M)

Date of decision: 18.04.2024

Rajesh

....Appellant

V/s

State of Haryana and another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.K. Saini, Advocate for the appellant.
Ms. Ankita Ahuja, AAG Haryana.
None for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed for grant of anticipatory bail to the appellant in complaint case No.321 dated 05.10.2016 titled as Pawan vs. Rajesh and others registered under Sections 323, 376, 406, 417, 420, 506 of IPC and Sections 3(1)(xi), 3(2)(v) of of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

2. On 07.12.2023 the following order was passed:-

“As per the office report, notice issued to respondent No.2 has been received back unserved with the report that she was not found residing at the given address.

Learned counsel for the appellant would contend that warrants of arrest have been issued against the appellant for 08.12.2023. It is further the contention of the learned counsel that earlier a complaint was filed with the Police Station Women Hisar and as per the report dated 15.08.2016 the petitioner was found to be innocent. Thereafter the present complaint was filed which was dismissed vide order dated 29.03.2017 (Annexure A-7). Subsequently, the order was set aside by the Court of Additional Sessions Judge, Hisar vide order dated 30.11.2021 (Annexure A-4). Learned counsel would further contend that the address given in the present appeal is the same as given in the complaint and that respondent No.2 is purposely evading service.

Let fresh notice be issued to respondent No.2 through Chief Judicial Magistrate concerned, returnable 23.02.2024.

Meanwhile, the appellant shall surrender/join proceedings of the case before the Trial Court/Illaqa Magistrate concerned within 10 days from today and on his doing so the Trial Court/Illaqa Magistrate shall release him on interim bail subject to its satisfaction.”

3. Learned State counsel, on instructions from HC Manjeet, submits that respondent No.2 stands informed in terms of order dated 14.03.2024 passed by this Court. However, none has caused appearance on behalf of respondent No.2.
4. Keeping in view the entirety of the case especially that the appellant is not required for custodial interrogation and no recovery is required to be effected from the appellant as also that the appellant has entered appearance before the concerned Court in terms of order dated 07.12.2023 passed by this Court; the interim order dated 07.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the appellant 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.
7. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 18, 2024
Ajay