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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59459-2023 (O&M)
Date of decision: 05.04.2024

Deepak
... Petitioner
Vs.

State of Haryana
... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Ms. Geeta Sharma, DAG, Haryana.

Mr. Jogiram Nain, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.24 dated 29.03.2023 under Section 323, 328, 34, 342, 354, 376, 376(2)(n), 376(2)(f), 506, 511 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Women Police Station Jind, District Jind (*challan has been filed under Sections 323, 34, 342, 376(2)(n), 376(2)(f), 365, 366, 354-B, 342, 376(2)(f), 506 of IPC*).
2. On 07.12.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the

petitioner in FIR No.24 dated 29.03.2023 under Sections 323, 328, 34, 342, 354, 376, 376(2)(n), 372(2)(f), 506, 511 of the Indian Penal Code, 1860 (IPC) registered at Police Station Women Police Station Jind, District Jind (Challan under Sections 323, 34, 376(2)(n), 365, 366, 354-B, 342, 376(2)(f), 506 IPC).

Learned counsel for the petitioner would contend that initially the complainant had gone missing on 10.03.2023 and in this regard the husband of the complainant got an FIR registered on 19.03.2023. On 21.03.2023 a statement was made by the husband of the complainant that he suspected that his wife had gone with Deepak @ Deepu (not the petitioner herein). The wife of the complainant was recovered on 21.03.2023 and on the same day an affidavit was given by her that she had left the house on her own free will and had reached the Police Station Uchana on 21.03.2023 on her own. It was further stated in the affidavit that she did not want to live in her matrimonial home with her husband, Anil, and that she wanted to live with her sister. On the basis of the said affidavit, the FIR was cancelled on 23.03.2023. Subsequently, the present FIR was got lodged on the statement of the complainant on 29.03.2023. Learned counsel for the petitioner would further contend that the allegations against the petitioner are only under Sections 354, 365 IPC and the allegations of rape are not qua the petitioner but qua the main accused i.e. Deepak @ Deepu. The learned counsel has further contended that the petitioner is willing to join investigation.

Notice of motion.

Ms. Mahima Chaudhary, DAG Haryana accepts notice

on behalf of respondent-State of Haryana.

Learned counsel for the State, on instructions from ASI-Suman, is not in a position to dispute the factual matrix as stated by the learned counsel for the petitioner. Learned State counsel, on instructions, also states that the petitioner has clean antecedents.

List on 11.03.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Gurnam Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 07.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

05.04.2024
vishnu

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No