

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-60042-2023(O&M)
Date of Decision: 22.04.2024

VASUDEV SAHNI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN , J.

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.928 dated 17.11.2023 registered under Sections 376, 328, 506 IPC at Police Station City Yamuna Nagar, District Yamuna Nagar.
2. The petitioner is alleged to have sexually abused the prosecutrix. The petitioner is friend of the husband of the prosecutrix and the husband of prosecutrix died about 1 ½ months before the alleged occurrence.
3. Status report by way of an affidavit of Rajesh Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar-II along with copy of MLR of the victim (Annexure R-1), statement of victim recorded under Section 164 Cr.P.C. (Annexure R-2), disclosure statement of the petitioner (Annexure R-3)

and medical examination of the petitioner (Annexure R-4) have been filed on behalf of the respondent-State, which are taken on record.

4. As per the order dated 30.11.2023, the petitioner was directed to join the investigation as and when called for by the Coordinate Bench of this Court.

5. Learned counsel for the petitioner *inter alia* contends that the allegations in the FIR are highly improbable in as much as it has been alleged that the accused-petitioner herein took the complainant to her sister's house and committed a wrong act with her. He further contends that though the incident is alleged to have taken place on 31.10.2023 the FIR itself was lodged on 17.11.2023 and the medical was also conducted a day later i.e. on 18.11.2023.. He submits that the petitioner had joined the investigation in pursuance to the order dated 30.11.2023 passed by the Coordinate Bench of this Court.

6. Learned counsel appearing on behalf of the respondent-State on instructions from concerned Investigating Officer confirms that the petitioner has joined the investigation.

7. I have considered the aforesaid contentions and gone through the paper-book. The petitioner is 59 years of age. Statement of the prosecutrix recorded under Section 164 Cr.P.C reflects that the prosecutrix is 41 years of age. As per the MLR of the prosecutrix, no fresh external injury marks were seen. There is no apprehension of absconding the petitioner.

8. Keeping in view the reasons recorded in the order dated 30.11.2023 and keeping in view the fact that the petitioner has joined investigation; his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 30.11.2023 granting

interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

9. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

22.04.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No