

CRM-M-61644-2023 (O&M) 2023:PHHC: 035211 - 1 -

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61644-2023 (O&M)
DATE OF DECISION : 12.03.2024

VIKAS SAINI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

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

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HARPREET KAUR JEEWAN, J. (ORAL)

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. 464 dated 11.09.2023 under Sections 328/376(2)(f)/376(2)(n)/452/506 of the Indian Penal Code, registered at Police Station Jind City, District Jind, Haryana.

2. On 07.12.2023 following order was passed:

“xxxx Learned counsel for the petitioner would contend that the complainant is a 30 years old married lady with children and the allegation made by her in the FIR lodged on 11.09.2023 is that the petitioner, who was known to the family, used to visit the house of the complainant and some times when her husband was not present at home he would serve her a cold drink mixed with some intoxicated substance after consuming which she would fall unconscious and thereafter he committed rape with her. He is also alleged to have made a video. It was further alleged that some times on getting a chance the petitioner also used to make her consume liquor forcibly and then commit misdemeanour with her and would also make a video. The last incident occurred in January 2023. The learned counsel would further contend that there is an inordinate delay of about eight months in lodging the FIR and even if the allegations made in the FIR are to be believed on the face of it, besides the statement of the complainant there is no other material on the record to support the allegations.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana.

List on 12.03.2024.

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. The petitioner shall also hand over his mobile phone to the Investigating Officer for further examination.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from Ins./SHO Sunita Devi, has also confirmed that the petitioner has joined investigation. State counsel further informs that custodial interrogation of the petitioner is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 07.12.2023 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 07.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

12.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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