



207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60673-2024

Date of decision: 16.12.2024

Akil

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.223 dated 18.10.2024 under Sections 64(1)/331(4)/351(2) of BNS registered at Police Station Dhauj, Faridabad, Haryana. First bail application seeking anticipatory bail was dismissed as withdrawn as some typographical mistake has crept in and liberty was granted to file fresh petition.

On 04.12.2024, the following order was passed:-

'This second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.223 dated 18.10.2024 under Sections 64(1)/331(4)/351(2) of BNS registered at Police Station Dhauj, Faridabad, Haryana. First bail application seeking anticipatory bail was dismissed as withdrawn as some typographical mistake has crept in and liberty was granted to file fresh petition.

Learned counsel for the petitioner inter alia contends that the complainant/prosecutrix is a mature and married lady of 28 years old having three kids and she was in a consensual relationship with the petitioner and to substantiate his averments, he referred to the photographs, chats and videos (Annexures P-2 & P-3) and he further submits that there is a delay of 03 days in the registration of the FIR which creates serious doubt on the case set up by the prosecution.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10***



CRM-M-60673-2024

-2-

SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within one week from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier 438 (2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 16.12.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. '

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

Mr. Bharat Bhushan Sharma, Advocate puts in appearance on behalf of the complainant and files his power of attorney which is taken on record and vehemently opposes the prayer made by the petitioner on the ground that it is a matter of trial whether the petitioner and the prosecutrix were in a consensual relationship and in view of the serious and specific allegations, the petitioner is not entitled to any relief.

In view of the statement of learned State counsel, order dated 04.12.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

16.12.2024

Neha

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