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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43984-2024
Date of decision: 27.02.2025

ANAND

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

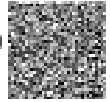
Present:- Mr. Prateek Yadav, Advocate and
Mr. Ashutosh Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Abhimanyu Singh, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioner in FIR No.445 dated 11.08.2024, under Sections 64 and 351(2) of BNS, 2023 (Old Sections 376(2)(n) and 506 of the IPC), registered at Police Station Bhiwani Sadar, District Bhiwani, Haryana.
2. Learned counsel for the petitioner submitted that the allegations against the petitioner were false because the relationship between the petitioner and the prosecutrix was a consensual relationship, which is clear from various material available with the Investigating Agency especially the WhatsApp chats



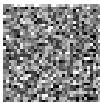
and mobile phone calls between the petitioner and the prosecutrix. He further submitted that now the prosecutrix has got married to some other person in December, 2024. He also submitted that even otherwise also, in pursuance to the order passed by this Court on 30.09.2024, the petitioner has joined the investigation and has fully cooperated with the investigation process.

3. On the other hand, Mr. Gagandeep Singh Chhina, AAG, Haryana submitted that he has sought instructions to state that in pursuance of the order passed by this Court on 30.09.2024, the petitioner has already joined investigation and he has fully cooperated with the investigation process and he is not required for custodial interrogation.

4. Learned counsel for the complainant submitted that so far as the factum that the complainant-prosecutrix has already got married in December, 2024 is concerned, the same is correct. He has however submitted that there is likelihood that in case the petitioner is granted the concession of anticipatory bail, then he may threaten the complainant-prosecutrix.

5. I have heard the learned counsels for the parties.

6. In pursuance of the order passed by this Court on 30.09.2024, the petitioner has already joined investigation and he has fully cooperated with the investigation process and as per the learned State counsel, he is not required for custodial interrogation. It has also been stated by learned counsel for the petitioner as well as learned counsel for the complainant that now the prosecutrix has already got married to some other person in December, 2024. The allegations against the petitioner were pertaining to rape but it was the case of the learned counsel for the petitioner that it was a consensual relationship



between the petitioner and the prosecutrix. Be that as it may, since the petitioner has already joined the investigation and has fully cooperated with the investigation process and as per the learned State counsel, he is not required for custodial interrogation, the present petition deserves to be allowed.

7. The argument which was raised by the learned counsel for the complainant-prosecutrix that in case the concession of anticipatory bail is granted to the petitioner, then he may threaten the complainant-prosecutrix in future cannot be sustained and cannot become a ground for denial of anticipatory bail to the petitioner.

8. In case there is any threat in future to the complainant-prosecutrix, then she can always avail the legal remedy available to her in accordance with law but that itself, at this stage, cannot become a ground for denial of anticipatory bail to the petitioner.

9. Consequently, the present petition is allowed and the order dated 30.09.2024, is hereby made absolute.

27.02.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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