



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-52673-2024

Date of decision: 15.01.2025

Sanjeev Kumar @ Monty

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Aditya Sanghi, Advocate
with Mr. Sandeep Vashisht, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. S.K. Verma, Advocate
for the complainant.

NAMIT KUMAR J. (Oral)

Prayer in this petition filed under Section 482 of BNSS,
2023 is for grant of anticipatory bail to the petitioner, in FIR No. 56,
dated 21-08-2024 (Annexure P-2) registered under Sections
354-C/376(2)(n)/377/384/506/34 IPC, at Women Police Station Sirsa,
District Sirsa, Haryana.

Vide order dated 22.10.2024, the following order was
passed:-

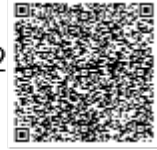
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*Learned counsel for the petitioner inter alia submits
that the complainant/respondent No.2 herein is a 34 year-
old woman who has been married for the past 18 years,
and has two children. Admittedly, she is not divorced by
her husband. By her own admission that she was in a*



consensual relationship with the brother of the petitioner namely, Monu Raja. It is submitted that the said Monu Raja did not wish to continue the said relationship. As such, the complainant had first filed a complaint dated 10.06.2024 (Annexure P-3) before the Incharge Police Station, Police Post Kirti Nagar, Sirsa stating therein that she was in relationship with Monu Raja for the past 3 years. Her husband was not aware about this. Sometime ago, the complainant had quarrelled with Monu Raja, whereafter Monu Raj was not talking to her and had gone. However, the complainant wanted to live with him and her husband did not have any objection in this regard. It was accordingly prayed by the complainant that the said Monu Raja be called and exhorted. Learned counsel submits that therefore, it is clear that the petitioner has nothing to do with the whole imbroglio, which is totally between the complainant and brother of the petitioner.

It is further submitted that even as per FIR (Annexure P-2), it has been stated that the first incident was of 10.10.2020 and the last incident was of 17.04.2024. However, FIR has been lodged on 21.08.2024. It is pointed out that the only allegation against the petitioner in the FIR is that on 08.07.2024, the petitioner alongwith 2 other bike riders had allegedly "got launched murderous attack" upon the complainant. Learned counsel submits that the said allegation is utterly false and fabricated. It is reiterated that the petitioner has nothing to do with the relationship between his brother and the complainant. It is also pointed out that as per his information, the complainant had previously also filed a complaint in this regard which was investigated by the police authorities.



However, no action was taken as no truth was found in the allegation made by the complainant.

Learned counsel for the petitioner undertakes that the petitioner is ready to join investigation as and when required and shall cooperate with the investigating agency.

Notice of motion.

On the asking of Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of respondent-State; whereas Mr. Sushil Kumar Verma, Advocate accepts notice on behalf of the complainant/respondent No.2 and submits memo of appearance. undertakes to file vakalatnama within a period of 2 weeks from today.

Learned counsel for the State, opposes prayer made on behalf of the petitioner. He, however, on instructions from ASI Deepa Rani, who is present with the police file, admits the above said facts to be true.

Learned counsel for the complainant opposes prayer made on behalf of the petitioner and submits that the complainant even tried to commit suicide. It is submitted that on the date of incident i.e. 08.07.2024, the petitioner alongwith other 2 bike riders had put the face of the complainant on the silencer as a result of which she had sustained injuries. It is submitted that even there is MLR in this regard.

Learned counsel for the State counters the above said assertion of the complainant and submits that there is only one MLR, which is dated 21.08.2024 pertaining to the incident dated 17.04.2024, as per which no injury is found on the person of the complainant. He, however, seeks sometime to file status report.

Adjourned to 15.01.2025.



In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he will be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Learned counsel for the State is directed to file an affidavit/status report as to the exact role of the petitioner alongwith MLR and details of pending FIRs, if any, on or before the next date of hearing.

In terms of above said order, status report by way of an affidavit of Vikas Krishan, HPS, Deputy Superintendent of Police, Sirsa, on behalf of respondent No.1 – State of Haryana has been filed in the Court today, wherein it has been stated as under:-

6. That on 28.12.2024 after the deep investigation qua role of the present petitioner in the present crime, the S.H.O. PS Women Sirsa has entered 'zimni' dated 28.12.2024 in the police records that the allegations of abetting murderous attack on the complainant/Nisha by sending two unknown bike riders, as leveled against the present petitioner are not



proved. He his found innocent in the present case. Moreover, the affidavits sworn by the respectable persons of the society also support the innocence of the present petitioner/ Sanjeev Kumar @ Monty son of Desraj resident of village Darba Kalan, Sirsa, in the present case. therefore, no case is made out against the present petitioner. Section 34 IPC is deleted from the present case. (True Translated copy of 'zimni' dated 28.12.2024 is annexed as Annexure R-3).

Since as per the investigation, the allegations of abetting murderous attack on the complainant by sending two unknown bike riders as levelled against the petitioner have not been proved, therefore, he has been found innocent in the present case.

In view of the stand taken by the respondent – State in Para 6 above, no further orders are necessitated in the present petition.

Disposed of accordingly.

(NAMIT KUMAR)
JUDGE

15.01.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No