

CRA-S-3602-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRA-S-3602-2024 (O&M)
Decided on:- 05.02.2025**

Karan Singh

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aditya Sanghi, Advocate for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

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AMARJOT BHATTI, J.(Oral)

1. Appellant Karan Singh has filed appeal against impugned order dated 29.10.2024 vide which his anticipatory bail has been dismissed by learned Additional Sessions Judge, Hisar in FIR No. 401 dated 01.07.2024 under Section 323, 354-A, 354-B, 354-D, 506, 376-D, 376/34 of IPC & 3(1)(r)/3 of SC/ST Act, 1989 registered at Police Station Azad Nagar, Hisar.

2. The Coordinate Bench vide order dated 07.11.2024 granted anticipatory bail to appellant which runs as under :-

“Prayer in this appeal is for grant of anticipatory bail to the applicant-appellant in case FIR No.401 dated 01.7.2024 (Annexure P-1) under Sections 323, 354-A, 354-B, 354-D, 376-D, 506, 376, 34 IPC and Section 3(1)(r)/3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Azad Nagar, Hisar, District Hisar.

Learned counsel for the appellant, *inter alia*, submits that the present FIR has been registered on the basis of statement made by the prosecutrix/respondent No.2 herein, wherein it has been



alleged that on 29.6.2024 the appellant had called the complainant to show her a plot. It has been alleged that when the complainant came to the office of the appellant, the appellant alongwith co-accused Krishan offered her something to drink. After taking the drink the complainant felt dizzy. Thereafter the appellant started abusing the complainant by caste related words, molested her, and alongwith co-accused Krishan tried to kill the complainant with a screwdriver. During the altercation, even the ear rings of the complainant went missing.

Learned counsel for the appellant points out that in the first instance there is no allegation of rape in the abovesaid FIR. The allegation of rape only surfaced in the statement made by the complainant under Section 164 Cr.P.C. on 03.7.2024 when the complainant improved upon her previous statement made in the FIR. The date of incident as per the FIR is 29.6.2024, whereas the FIR has been registered after a delay of two days i.e. on 01.7.2024. It is submitted that the reason for the delay in registration of the FIR is that during this time the complainant realized that the entire incident had been captured in the CCTV installed in the office premises of the appellant. As such an associate of the complainant, namely, Pawan had come to steal the CCTV from the office of the appellant. The said Pawan stole the CCTV, however, did not take away the DVR, in which the entire footage was recorded. In this regard the appellant had registered a complaint with the Police Station Azad Nagar, Hisar on 30.6.2024, in pursuance of which an FIR No.402 dated 01.7.2024 (Annexure P-3) was registered against said Pawan under Sections 380/457 IPC at Police Station Azad Nagar, District Hisar. It is submitted that the present FIR is a counter-blast to the said FIR registered by the appellant against Pawan. It is lastly submitted that the complainant is a 41-year-old married woman having two children. Learned counsel for the appellant prays for grant of interim relief to the appellant and undertakes

that the appellant will join the investigation and cooperate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Surinder Kumar Dagar, DAG, Haryana accepts notice on behalf of respondent-State, opposes the prayer made on behalf of appellant and submits that there are specific allegations of rape made by the complainant against the appellant in her statement under Section 164 Cr.P.C. recorded on 03.7.2024. The said allegations have been reiterated by the complainant at the time of her medico-legal examination which was conducted on 03.7.2024 to the effect that the appellant had committed rape upon her from 29.6.2024 to 30.6.2024. It is, however, admitted that as per the MLR there are no injuries reported on the person of the complainant. Learned counsel for the State, on instructions, informs that the complainant is 31-year-old. However, learned counsel for the State seeks time to file the reply/status report in the matter.

Adjourned to 05.2.2025.

In the meantime, the appellant is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall 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 appellant shall make himself available for interrogation before the Investigating Officer as and when required ;
- ii) that the appellant 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 appellant shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.



Meanwhile, State counsel is directed to file the status report as to the exact role of the appellant alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for appellant/accused argued that in pursuance of aforesaid order, present appellant has already joined investigation and he is not required for any other purpose. He is ready to abide by terms and conditions imposed by this Court.

4. Bail application is opposed by learned counsel representing State. Status report is filed. It is pointed out that detailed investigation was carried out. Appellant/accused joined investigation on 16.12.2024. He categorically stated that he is innocent and he did not abuse prosecutrix naming her caste nor he did any wrongful act with prosecutrix. One Pendrive containing two video footage is placed on record which is taken into police possession vide seizure memo (Annexure R-4). As per observation memo pertaining to said Pendrive, complainant herself accompanied accused named in FIR and no occurrence took place. Allegations against accused persons could not be factually confirmed, as a result cancellation report under Section 193 of BNSS, 2023 was prepared on 18.12.2024, it will be submitted before Illaqa Magistrate. In these circumstances, bail in favour of appellant/accused is not opposed.

5. I have considered the aforesaid factual position. Status report indicates that allegations levelled by complainant were found to be false during investigation, as a result, cancellation report has been prepared which is to be presented before Illaqa Magistrate. Even otherwise, appellant has already joined investigation. Therefore, appeal preferred by

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learned Additional Sessions Judge, Hisar is accordingly set aside and *interim* bail already granted vide order dated 07.11.2024 is confirmed subject to conditions as detailed under Section 438(2) of Cr.P.C./482(2) of BNSS, 2023.

6. Pending application(s), if any, also stands disposed of accordingly.

05.02.2025 (AMARJOT BHATTI)
lalit JUDGE

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