

**CRM-M-63025-2024****209****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-63025-2024****Date of Decision: 03.04.2025**

Munish

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:- Mr. Sushil Sheoran, Advocate
for the petitioner

Mr. Anmol Malik, DAG Haryana

Mr. V.D. Anand, Advocate
for respondent No. 2

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Section 120-B, 313, 354-C, 366, 376, 506 IPC, in a case arising out of FIR No.2, dated 09.01.2020 registered at Police Station Women Police Station Charkhi Dadri, District Charkhi Dadri.

2. The following order was passed on 24.12.2024:-

“Prayer in this petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Section 120-B, 313, 354-C, 366, 376, 506 IPC, in a case arising out of FIR No.2, dated 09.01.2020 registered at Police



Station Women Police Station Charkhi Dadri, District Charkhi Dadri.

Learned counsel for the petitioner submits that respondent No.2-prosecutrix being educated, aged 21 years was in love affair with the petitioner since July, 2017 and admittedly performed marriage with the petitioner on 30.06.2018. Thereupon, due to strained relations, a concocted version was preferred on 09.01.2020 alleging that the prosecutrix had been raped by the petitioner under the false pretext of marriage in the year 2018 and also that petitioner's mother gave some tablets in July 2018 to cause miscarriage.

Learned counsel for the petitioner also points out the affidavit dated 24.01.2020, executed by the prosecutrix, wherein she stated that the criminal case was registered due to misunderstanding and she would not have any objection, if the FIR is quashed.

Learned counsel for the petitioner also clarifies that, on account of some reasons, the prosecutrix later chose not to compromise and the quashing petition filed on the basis of compromise was subsequently withdrawn.

Mr. Sushil Sheoran, Advocate, submits that petitioner is currently serving in Police Department in the State of Madhya Pradesh and the prosecutrix is also mature and well educated, therefore, the allegations levelled in January 2020 regarding the alleged rape in the year 2018 along with the termination of pregnancy by the petitioner's mother, are baseless. Moreover, there is no medical evidence referred or available with the prosecutrix to support her version in regard to the termination of pregnancy at the instance of the mother of the petitioner.

Learned counsel for the petitioner further submits that the petitioner is ready and willing to co-operate in all possible manner with the Investigating agency in case this Court grants him concession of anticipatory bail.

On instructions from ASI Amol, learned State counsel while



opposing the contention of the petitioner submits that the allegations are very serious in nature as the petitioner and his mother have duped the prosecutrix. Learned State counsel also submits that the investigation is in progress, however, concedes that the case was although registered in January, 2020, but the petitioner has never been arrested. Additionally, no police officer or investigating agency has ever visited the State of Madhya Pradesh to arrest the petitioner.

Learned counsel appearing on behalf of the complainant reiterates the submissions addressed by learned State counsel and opposes the contention of anticipatory bail.

After hearing the learned counsel for the parties and going through the petition, this Court finds that on prima facie basis, there is substance in the submissions made by the accused (petitioner herein) and there is no material substance with the prosecution to say that in the eventuality of granting the anticipatory bail, petitioner may misuse the concession. None of the factual aspects addressed by learned counsel for the parties is under dispute before this Court.

Considering the circumstances in its totality, this Court is of the view that no prejudice would be caused to the prosecution agency by allowing the petitioner to join investigation.

Therefore, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency.

In the event of his arrest, the petitioner shall be released on adinterim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

Besides, petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the country, he would seek prior permission from the Investigating Agency/concerned Court.

Adjourned to 17.02.2025.”

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3. Learned counsel for respondent No. 2 submits that the matter has been amicably settled between the parties and a joint petition for dissolution of marriage by a decree of divorce by mutual consent under Section 13-B(1) of the Hindu Marriage Act, 1955 has been filed on 10.03.2025, in which the statement has been recorded that the parties have mutually settled their claims in respect of maintenance/istridhan in a sum of Rs. 20,00,000/-, Rs. 10,00,000/- in cash has been received by respondent No. 2 from the petitioner in Court and the remaining amount of Rs. 10,00,000/- will be paid at the time of second motion of the application towards the future maintenance.

4. Learned State counsel on instructions from ASI Anoop submits that the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 24.12.2024 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

7. The accused/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 or her from disclosing such facts to the Court or to any police officer.



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8. The accused/petitioner shall not leave India without prior permission of the Court.
9. The accused/petitioner shall join the investigation as and when called by the police.
10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
11. Pending application(s), if any, also stands disposed of accordingly.

03.04.2025

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Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No