

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

209

CRM-M-2602-2023

Date of Decision: 31.05.2023

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ruby Kaur, Advocate for
Mr. Rajesh Lamba, Advocate for the petitioner

Ms. Dimple Jain, DAG, Haryana
(assisted by L/SI Vinita)

Mr. Abhimanyu Singh, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking anticipatory bail in FIR No.455 dated 16.11.2022 (Annexure P-1) under Sections 354-D, 376, 452 & 506 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Sadar Tauru, District Nuh.

2. On 03.02.2023, the following order was passed:-

“Reply by way of affidavit dated 01.02.2023 of Ashok Kumar, Deputy Superintendent of Police, Nuh, District Nuh filed by respondent-State is taken on record. Registry is directed to tag at appropriate place.

Learned State counsel submits that in compliance of order dated 18.01.2023 of this Court,

the petitioner has handed over his mobile and it has been sent to DIATAC Lab and report is still awaited.

Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590; Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 SCC 427; Satender Kumar Antil V. CBI, (2022) 10 SCC 51; Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375; Shri Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 Supreme Court Cases 565; Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before Investigating Officer on 08.02.2023 and thereafter as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate the investigating officer.

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

Adjourned to 24.03.2023. ”

3. Learned State counsel, on instructions from L/SI Vinita, submits that petitioner has joined investigation and he has handed over his mobile phone which has been sent to DITECH Laboratory. The

report of the DITECH laboratory is still awaited. She further submits that no custodial interrogation of the petitioner is required.

4. Learned State counsel as well learned counsel for the complainant submits that petitioner may be directed not to contact the complainant as well as her family members and not to threat directly or indirectly.

5. Learned counsel for the petitioner undertakes that petitioner would neither contact the complainant and her family members nor give direct or indirect threat to them.

6. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 03.02.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

7. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

8. Respondent-State as well as complainant are at liberty to move an appropriate application if report of DITECH Laboratory confirms allegations of the complainant or petitioner violates his undertaking.

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

(JAGMOHAN BANSAL)
JUDGE

31.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>