

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

209+1

CRM-M-11936-2023

Date of Decision: 10.05.2023

Rajeshwar Dahme

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by ASI Sushila)

Mr. Aditya Sanghi, Advocate with
Mr. Saurabh Sharma, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 10.03.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 423 dated 6.10.2022, under Sections 294, 354-A, 354-D and 506 of IPC (Sections 466 and 468 IPC added later on), registered at Police Station, IMT, Rohtak, District Rohtak.

Learned Senior counsel for the petitioner, at the outset, submits that petitioner has lodged FIR against the complainant and and complainant has lodged FIR against the petitioner, thus, it is case of version and cross version. The petitioner during the period in question was working as Superintending Engineer in HVPNL, Rohtak and complainant was working as

Assistant in the same department. The complainant lodged complaint against the petitioner and departmental enquiry was conducted. In the departmental enquiry, senior officers of the department found the petitioner innocent. The complainant and her husband has filed anticipatory bail by way of appeal before this Court and this Court in CRA-S-2491 of 2022 and CRA-S- 180 of 2023 has granted concession of interim anticipatory bail to the complainant, her husband and Reeta, who is their accomplice. Notice of motion.

On the asking of Court, Ms. Dimple Jain, AAG, Haryana who is present in court on advance notice, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and 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, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 17.03.2023 and thereafter as directed by IO. 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 co-operate 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.

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.

To be heard alongwith CRA-S- 2491 of 2022 and CRAS-180 of 2023.”

2. Learned State counsel, on instructions from ASI Sushila, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 10.03.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. 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.

5. 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

10.05.2023
Mohit Kumar

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