

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

201

Criminal Misc. No. M- 16332 of 2023

Date of decision :-04.07.2023

Babu Ram and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Upasana Gandhi, Advocate for
Mr. Raj Mohan Singh, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana assisted with
ASI Kavita.

NIDHI GUPTA J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.131 dated 11.03.2023, under Sections 34, 354, 354-A(2), 506 and 509 IPC, registered at Police Station Sadar, Fatehabad, District Fatehabad.

On 31.03.2023, co-ordinate Bench of this Court had passed the following order :-

“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case bearing FIR No.131, dated 11.03.2023, under Sections 34, 354-A (2), 506 and 509 IPC, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioners submits that the petitioner No.1 had filed a complaint

against the complainant regarding indulging in corruption on 10.03.2023. Instant FIR has been lodged in order to pressurize the petitioners to withdraw the complaint. As per allegations in the FIR, the petitioners had done obscene acts on seeing the complainant. He further submits that there is no allegation of any assault by the petitioners.

Notice of motion.

On asking of the Court, Mr. Karan Sharma, DAG, Haryana, accepts notice on behalf of respondent-State and seeks time to file the status report. A copy of the paper book be supplied to him during the course of the day.

Adjourned to 04.07.2023.

Status report be filed well in time with copy in advance to counsel opposite.

In the meantime, petitioners are directed to appear before the SHO/Investigating Officer as and when called to join investigation and in the event of their arrest, they shall be released on bail on their 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 petitioners shall make herself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioners shall not leave the country without prior permission of the Court concerned.*

Meantime, status report be filed well in time with advance copy to counsel opposite.”

Learned State counsel, on instructions from ASI Kavita states that in terms of the order of co-ordinate Bench of this Court, reproduced above, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 31.03.2023 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as well as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 04, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No