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

**CRM-M-28994-2023
Date of decision : 17.10.2023**

MOHIT

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aakash Dalal, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 02.06.2023, the following order was passed :-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No.363 dated 07.09.2022 under Sections 323, 342, 386, 506 and 34 IPC (later on Sections 201 IPC and 66-E of the I.T.Act have been added) registered at Police Station Beri, District Jhajjar.

2. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner developed intimacy with Pinki when she has visited his house at the time of wedding of his daughter for bridal makeup. The complainant was called to the house of Pinki, co-accused, where, in connivance with her husband Shri Bhagwan and 2/3 other persons, the complainant was locked in a room, his clothes were taken off and photographs and videos were prepared. The hands and feet of the complainant was also tied and he was given beatings. A sum of Rs.3,50,000/- has been extracted from him.

Besides, a pronote in the sum of Rs.6,50,000/- has also been got executed from him. It has been submitted that the co-accused, Pardeep, has been granted anticipatory bail by the Court of Sessions. The petitioner is not named in the FIR and the co-accused Pinki and her husband Shri Bhagwan have been granted regular bail. It has been specifically and categorically contended that the petitioner is not in any manner concerned with the occurrence and no photographs/videos were taken from his mobile phone and furthermore, no such photographs or videos of the complainant were forwarded from this mobile phone.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

5. Adjourned to 11.09.2023.

6. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Today, Ld. State Counsel on instructions from SI Ranbir Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 02.06.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

4. 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.

5. 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.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. 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.
8. Petition stands disposed off accordingly.

October 17, 2023
Dpr

(Pankaj Jain)
Judge

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