

2023:PHHC:106203

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

CRM-M-58132-2022

Date of Decision: 17.08.2023

MAHENDER

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.K.Bishnoi, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. On 13.12.2022, the following order was passed by the
Coordinate Bench of this Court:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.305, dated 19.09.2022, under Sections 323, 34, 354-A, 354-B, 506 IPC, registered Nathu Sarai Chopta, District Sirsa, Haryana.

It has been contended by counsel for the petitioner that dispute is within the family as petitioner is brother-in-law, i.e. Jeth of the complainant. He submits that allegations pertaining to outraging the modesty of the complainant are totally false and frivolous. He further submits that during investigation, offence under Section 354 IPC was not substantiated and hence Section 354-B IPC has been deleted. He further submits that allegations pertaining to beating is also not substantiated as there is no ocular version of the same. It is further submitted that petitioner has no criminal antecedents and in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 29.03.2023.

On the asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the

following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) That the 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 from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

2. Learned counsel for the petitioner contends that the petitioner and family of the complainant are having separate houses. Furthermore, in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Ashok, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 13.12.2022, vide which the petitioner has been granted interim bail, is made absolute.

5. Petition is allowed.

17.08.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No