

2024:PHHC:018622

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

204

**CRM-M-1159-2024
Date of decision:09.02.2024**

Rajesh

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Ashish Pannu, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Naveen Sharma (Moudgil), Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.230 dated 09.12.2023, registered for the offences punishable under Sections 323, 376(2)(n), 377, 452, 506 of IPC read with Section 34 of IPC at Police Station Women Jind, District Jind.

2. On 11.01.2024, the following order was passed:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.230 dated 09.12.2023 registered under Sections 323/376(2)(n)/377/452/506 read with Section 34 IPC at Police Station Women Jind, District Jind.

2. Learned counsel for the petitioner contends that the relationship between the petitioner and the prosecutrix was mutual. The prosecutrix is aged about 40 years and as per the allegations, the petitioner and the prosecutrix had been residing

together for a period of 07 years. There are false allegations with regard to commission of theft and trespass in the house of the prosecutrix. In fact, the prosecutrix had been residing in the house of the petitioner which is evident from the ID issued by Citizen Resource Information Department (CRID) Annexure P-2. Even, in the Adhaar Card, the prosecutrix is stated to be residing in the house of the petitioner. The dispute has arisen on account of demand of money raised by the prosecutrix.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf of the respondent-State.

5. Adjourned to 09.02.2024.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Suman, has stated that pursuant to the order dated 11.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 11.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting 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.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

Ostipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 09, 2024
poonam

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