

2024:PHHC:044864

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-2809-2024
Date of decision: 03.04.2024

AKASH KHERA

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Parminder Singh, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG, Haryana.
Mr. Sarfraj Hussain, Advocate for the complainant.

SUMEET GOEL, J.

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.965 dated 16.11.2023, registered for the offences punishable under Sections 376-B, 420 and 506 of IPC at Police Station City Karnal, District Karnal.

2. On 19.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 965 dated 16.11.2023 registered for offences punishable under Sections 376B, 420 and 506 IPC at Police Station City Karnal, District Karnal; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that petitioner (herein) is the husband of the complainant and they have been locked into multiple matrimonial related cases; earlier also the complainant had got three cases registered against the petitioner and his family members which were dropped/cancelled by the police & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana appears and accepts notice on behalf of the respondent-State.

Mr. Sarfraj Hussain, Advocate has filed vakalatnama for complainant. The same be taken on record.

Adjourned to 28.02.2024.

The petitioner is directed to appear before the Investigating Officer on 25.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from S.I. Rammehar, has stated that pursuant to the order dated 19.01.2024, the petitioner has joined investigation and is not required for custodial interrogation except for recovery of forged ID alleged to have been used by the petitioner while making booking of the hotel room.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by saying that the allegations made against the petitioner are serious in nature and, hence, he ought not to be extended the concession of anticipatory bail.

5. As per the stand taken by the State, the petitioner has joined investigation and is cooperating therein except for recovery of the alleged forged ID. This aspect of the matter shall essentially be gone into during the course of trial. The State is not seeking for custodial interrogation of the petitioner on any other account.

6. In view of above, the present petition is allowed and interim order dated 19.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. 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.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

9. 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

April 03, 2024
poonam

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