

2024:PHHC:031126

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

212

CRM-M-4085-2024
Date of decision: 05.03.2024

Ajay

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Rahul Deswal, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

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.395 dated 13.11.2023, registered for the offences punishable under Sections 376(2)(n), 506, 120-B of IPC at Police Station Ram Nagar, District Karnal.

2. On 25.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No.395 dated 13.11.2023 registered for offences punishable under Sections 376(2)(n),506,120-B IPC at Police Station Ram Nagar, District Karnal, Haryana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail. Inter alia contends that the petitioner has been falsely implicated; in the earlier FIR got registered by the complainant against the petitioner and other persons, the learned Additional Sessions Judge-Cum-Exclusive Court for Fast Tracking of Heinous Crimes Against Women, Karnal vide judgment dated 3.11.2022 had acquitted the

present petitioner along with co-accused & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Surender Singh Pannu, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State.

Adjourned to 05.03.2024.

The petitioner is directed to appear before the Investigating Officer on 01.02.2024 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 ASI Meena, has stated that pursuant to the order dated 25.01.2024, 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 25.01.2024 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

stipulated 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

March 05, 2024
poonam

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