

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-4846-2024
Date of decision: 19.03.2024

PAWAN

...PETITIONER

V/s

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Surya Nath Pandey, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Gaurav Gupta, 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.0917 dated 19.12.2023, registered for the offences punishable under Sections 313/376(2)(n) of IPC at Police Station Palla, Faridabad.
2. On 31.01.2024, the following order was passed:-

*“Apprehending his arrest in FIR No. 0917 dated 19.12.2023 registered for offences punishable under Sections 313/376(2)(n) IPC at Police Station Palla, Faridabad; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.
Inter alia contends that the petitioner and the complainant were in a consensual relationship which fell apart due to supervening circumstances; the co-accused, namely, Sumit Kashyap has already been extended the concession of anticipatory bail by the learned Sessions Court & 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.

Adjourned to 19.03.2024.

The petitioner is directed to appear before the Investigating Officer on 06.02.2024 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 Sunita, has stated that pursuant to the order dated 31.01.2024, 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 31.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the allegations against the petitioner are serious in nature and hence he ought not to be extended the concession of anticipatory bail.

6. 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.

7. 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.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

March 19, 2024

jatin

Whether speaking/reasoned:

Whether reportable:

(SUMEET GOEL)

JUDGE

Yes/No

Yes/No