

2024:PHHC:030550

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

211

CRM-M-7865-2024

Date of decision: 04.03.2024

Gaffar

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nikhil Mittal, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ms. Veena Hooda, Advocate,
for complainant-respondent No.2.

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.63 dated 12.12.2023, registered for the offences punishable under Sections 376, 506 of IPC at Police Station Women, District Yamuna Nagar.

2. On 14.02.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 63 dated 12.12.2023 registered for offences punishable under Sections 376, 506 IPC at Police Station Women Police Station, District Yamuna Nagar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that a compromise (copy whereof has been appended as Annexure P-2 with the petition) has been arrived at between the parties & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

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

Ms. Veena Hooda, Advocate has put in appearance for respondent No. 2 and has ratified the factum of compromise between the parties.

Adjourned to 28.02.2024.

The petitioner is directed to appear before the Investigating Officer on 19.02.2024 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 L/ASI Babita, has stated that pursuant to the order dated 14.02.2024, 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 14.02.2024 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 opposed the grant of anticipatory bail to the petitioner.

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.

(SUMEET GOEL)
JUDGE

March 04, 2024
poonam

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