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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8497-2023 (O&M)
Date of Decision: 14.02.2024

RAKESH

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravinder Phogat, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

None for the complainant.

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SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.09 dated 31.01.2023, under Section 354 IPC, 1860 and Sections 12 and 18 of POCSO Act, 2012 registered at Police Station Women Charkhi Dadri, District Charkhi Dadri, Haryana.

2. On 07.02.2024, the following order was passed:-

“On 03.03.2023, the following order was passed :-

Mr. Vineet Chaudhary, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record and Registry is directed to tag at appropriate place.

Status report by way of affidavit of Virender Singh, H.P.S., Deputy Superintendent of Police, Charkhi Dadri, filed on behalf of respondent-State is taken on record. Registry is directed to tag at an appropriate place.

Learned counsel for the petitioner submits that in compliance of order dated 17.02.2023 of this Court, the petitioner has handed over his mobile to the Investigating Officer. Learned State counsel, on instructions from ASI Jeet Ram, confirms that petitioner

had handed over his mobile to the Investigating Officer, however, he has deleted chats, thus, mobile of the petitioner has been sent to FSL to retrieve the data. She further submits that report would take some time.

Keeping in view entire facts and circumstances of the case, the Investigating Officer is directed to refrain from arresting the petitioner till the receipt of FSL report.

The Director, Haryana Forensic Science Laboratory is requested to expedite the conclusion of process of retrieving data from mobile of the petitioner. Adjourned to 03.05.2023.”

Inter alia contends that there was a dispute between the parties on account of land transaction; the father of the complainant wanted to extort a sum of Rs.4 lakhs from the petitioner & the petitioner is willing to join investigation and cooperate therein.

Adjourned to 14.02.2024.

The petitioner is directed to appear before the Investigating Officer on 10.02.2024 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 PSI Sonia, has stated that pursuant to the order dated 07.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 07.02.2024 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 interpreted as 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.

14.02.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No