

2024:PHHC:019125

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

205 **CRM-M-10397-2023**
Date of decision: 12.02.2024

Som Nath Rao

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Ravish Bansal, Advocate, for the petitioner.

Mr.Yuvraj Singh, AAG, Punjab.

Mr.R.S. Rangpuri, Advocate for the complainant.

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.312 dated 17.10.2022, registered for the offences punishable under Sections 406, 420, 498-A, 494, 354-A, 506, 509 and 120-B of IPC at Police Station Tripri, District Patiala.

2. On 27.03.2023, the following order was passed:-

“This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No.312 dated 17.10.2022 under Sections 406, 420, 498-A, 494, 354-A, 506, 509 and 120-B IPC registered at Police Station Tripri, District Patiala.

Learned counsel for the petitioner as well as the complainant submit that mediation between the parties has failed.

Adjourned to 29.4.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the

satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Harjinder Singh, has stated that pursuant to the order dated 27.03.2023, the petitioner has joined investigation and is no longer required for custodial interrogation except for effecting recovery of dowry articles.

4. In view of above, the present petition is allowed and interim order dated 27.03.2023 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

February 12, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No