

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-10934-2024
Date of decision: 09.04.2024

ABHISHEK KHLERI

...PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ms. Tanya Kanwar, Advocate
for respondent No.2.

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.51 dated 09.02.2024, registered for the offences punishable under Sections 354-D, 376(2) (n) of IPC at Police Station Civil Lines Sirsa, District Sirsa, Haryana.
2. On 01.03.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 51 dated 09.02.2024 registered for offences punishable under Sections 354-D,376(2)(n) IPC at Police Station Civil Lines Sirsa, District Sirsa; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-rrest bail.
Inter alia contends that the petitioner and victim were in a on sensual relationship which fell apart due to supervening circumstances; petitioner and complainant had also wilfully executed a live-in-relationship deed (copy whereof has been appended as Annexure P-4) & 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 01.04.2024.

The petitioner is directed to appear before the Investigating Officer on 06.03.2024 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 Monika Rani, has stated that pursuant to the order dated 01.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature.

5. In view of above, the present petition is allowed and interim order dated 01.03.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

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.

(SUMEET GOEL)
JUDGE

April 09, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No