



CRM-M-11837-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-11837-2024

Date of decision: 27.08.2024

Sonu alias Rahul ...Petitioner  
V/s  
State of Haryana and another ...Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukesh Kumar Jindal, Advocate for the petitioner.  
Ms. Mahima Yashpal, DAG Haryana.  
None for respondent No.2.

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SUMEET GOEL, J.

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.397 dated 18.11.2022, under Section 365 of IPC (during investigation, Section 365 of the IPC was deleted and challan was filed under Section 363, 366-A of the IPC) registered at Police Station Old Sabzi Mandi, Rohtak.

2. On 06.03.2024 the following order was passed:-

*“Apprehending his arrest in FIR No. 397 dated 18.11.2022 registered for offences punishable under Section 365 of IPC (Later on section 365 IPC has been deleted and Sections 363 and 366-A IPC have been added) at Police Station Old Sabzi Mandi, Rohtak; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.*

*Inter alia relies upon the statement made by the victim under Section 164 Cr.P.C. on 03.12.2022 to contend that nothing wrong had been done with the victim; the order dated 16.09.2023 vide which the petitioner was declared as a proclaimed person has been stayed by this Court on 01.03.2024 passed in CRM-M-10932-2024 (Annexure P-6) & 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 20.03.2024.*

*The petitioner is directed to appear before the Investigating Officer on 11.03.2024 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 has stated that pursuant to the order dated 06.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. It is worthwhile to note herein that vide order of even date, the order whereby petitioner was declared proclaimed offender as also all the consequential proceedings arising therefrom has already been quashed.

5. In view of the above, the interim order dated 06.03.2024 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.



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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

August 27, 2024  
*Ajay*

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