

2024:PHHC:026924

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

207

CRM-M-10297-2020 (O&M)

Date of decision: 27.02.2024

SUMIT KUMAR

...Petitioner

V/s

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.A.K. Bishnoi, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

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.311 dated 15.12.2019, registered for the offences punishable under Sections 323, 406, 498-A, 506 and 34 of IPC at Police Station Agroha, District Hisar.

2. On 12.03.2020, the following order was passed:-

“Learned counsel for the petitioner would contend that the allegations as set out in the FIR are totally false while contending that he is ready and willing to reside with the complainant-wife and to compromise the matter and also to take her back to the matrimonial home.

Notice of motion.

Parties to the marriage are directed to appear before the Mediation and Conciliation Centre of this Court on 21.04.2020, on which date the petitioner would make the payment of 20000/- as litigation and travelling expenses to the wife.

In the meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do

so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from L/ASI Neelam, has stated that pursuant to the order dated 12.03.2020, the petitioner has joined investigation and is no longer required for custodial interrogation. It is further submitted by the learned State counsel that, after completion of investigation, the challan (report under Section 173 of Cr.P.C.) has been prepared and the same shall be filed in Court accordingly.

4. In view of above, the present petition is allowed and interim order dated 12.03.2020 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.

February 27, 2024
poonam

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No