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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15343-2024 (O&M)

Date of Decision: 09.04.2024

RAM BHAGAT ALIAS MAANDIA

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Amandeep Chhabra, Advocate for
Mr. S.S. Dhillon, Advocate for the complainant.

...

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.92 dated 10.04.2023 registered for offences punishable under Sections 363 and 366 of IPC (during investigation, Section 9 of Child Marriage Restraint Act, 1929) at Police Station Bhattu Kalan, District Fatehabad, Haryana.

2. On 22.03.2024, the following order was passed:-

“Apprehending his arrest in FIR No.92 dated 10.04.2023 registered for offences punishable under Sections 363 and 366 of IPC (during investigation, Section 9 of Child Marriage Restraint Act, 1929) at Police Station Bhattu Kalan, District Fatehabad, Haryana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the FIR in question was got recorded at the instance of the mother of the victim on account of misunderstanding; the victim has already solemnized marriage with the petitioner and they are blessed with a male child; the matter has also been settled between the parties, which factum is clearly decipherable from the affidavit filled by the complainant (copy whereof has been appended as Annexure P-2) as also affidavit furnished by the victim (copy

whereof has been appended as Annexure P-3 with the petition) & 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. Mr. Amandeep Chhabra, Advocate has appeared and filed memorandum of appearance on behalf of the complainant. He has ratified the abovesaid factual submissions made by the learned counsel for the petitioner.

*Adjourned to **04.04.2024**.*

*The petitioner is directed to appear before the Investigating Officer on **26.03.2024** 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 ASI Purshotam, has stated that pursuant to the order dated 22.03.2024, 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 22.03.2024 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.

8. Pending application(s), if any, shall also stand disposed off.

09.04.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No