

2024:PHHC:055275

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

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**CRM-M-15886-2024 (O&M)
Date of decision: 24.04.2024**

RAMPAL

...Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raj Kumar Rana, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, 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.285 dated 10.08.2023, registered for the offences punishable under Sections 452, 354, 354-A, 506 of IPC at Police Station Sadar Pehowa, District Kurukshetra.

2. On 09.04.2024, the following order was passed:-

“Learned counsel for the petitioner has argued that the first anticipatory bail filed by the petitioner (CRM-M-63597-2023) was listed for hearing before this Court on 18.12.2023 wherein, after recording contentions on behalf of the petitioner, interim anticipatory bail was granted to the petitioner. The said order reads as under:

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.285 dated 10.08.2023 under Sections 452, 354, 354-A, 506 of the Indian Penal Code, 1860 registered at Police Station Sadar Pehowa, District Kurukshetra. Learned counsel for the petitioner contends that there is a delay of 5 days in lodging the FIR and that the petitioner has falsely been implicated in the case.

Notice of motion. Ms. Ankita Ahuja, AAG Haryana accepts notice on behalf of respondent-State of Haryana. Mr. Vikram Rana, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama. List on 06.03.2024. Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Thereafter, in the reply filed on behalf of the State, it emerged that the petitioner had been facing another FIR bearing No.225 dated 12.06.2014, under Sections 148, 149, 323 and 506 IPC, registered at Police Station Sadar Pehowa wherein the petitioner stood convicted vide order dated 23.09.2019. However, the petitioner has filed appeal against the said judgment of conviction which is pending adjudication and the petitioner is presently on bail. Learned counsel for the petitioner has argued that the petitioner, on account of inadvertence, could not earlier mention the factum of earlier FIR and judgment of conviction having been recorded against the petitioner. As regards the maintainability of the second anticipatory bail petition, learned counsel for the petitioner has relied upon the dicta of the judgment of this Court in CRM-M-13315-2024 titled as Bhisham Singh Vs. State of Haryana; Neutral Citation No.2024:PHHC:048105. Keeping in view the fact that the petitioner was earlier extended the concession of interim bail by this Court in the first anticipatory bail filed by the petitioner which came to be withdrawn by the learned counsel for the petitioner on the account of non-disclosure of earlier FIR; the petitioner is directed to appear before the Investigating Officer on 12.04.2024 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.
Adjourned to 24.04.2024.”*

3. Learned State counsel, on instructions from ASI Mukesh, has stated that pursuant to the order dated 09.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the present petition is allowed and interim order dated 09.04.2024 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 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.
8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 24, 2024
poonam

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