

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

248

CRM-M-16473-2024

Date of decision: 15.04.2024

AMIT GULIA

...PETITIONER

 V/s

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kartik Khicher, Advocate for
Mr. Baljeet Beniwal, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Anshumaan Dalal, Advocate
for the respondent.

* * * * *

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.25 dated 29.01.2024, registered for the offences punishable under Sections 354-A, 376, 511, 377, 498-A, 406, 328, 34 of IPC at Police Station IMT, Rohtak District Rohtak.

2. On 04.04.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 25 dated 29.01.2024 registered for offences punishable under Sections 354-A, 376, 511, 377, 498-A, 406, 328 and 34 of IPC at Police Station IMT, Rohtak, District Rohtak; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the FIR in question is a result of matrimonial discord between the complainant and brother of the petitioner; allegations of sexual assault have been levelled by the complainant to lend severity to the FIR in question; mother of the

petitioner has been found innocent during the course of investigation; brother of the petitioner (husband of the complainant) has been granted the concession of anticipatory bail by the Sessions Court & 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. Anshumaan Dalal, Advocate appears and files vakalatnama on behalf of the complainant. The same is taken on record.

Adjourned to 15.04.2024.

The petitioner is directed to appear before the Investigating Officer on 08.04.2024 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.”

3. Learned State counsel, on instructions from ASI Sushila, has stated that pursuant to the order dated 04.04.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel appearing for the complainant has vociferously is argued that the petitioner be not extended the concession of anticipatory bail are serious allegations raised against him.

5. In view of above, the present petition is allowed and interim order dated 04.04.2024 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 15, 2024
jatin

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