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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25552-2023 (O&M)
Date of Decision: 20.02.2024

NISHCHAYA NIGAM

.. Petitioner

Vs.

STATE OF HARYANA & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana

Mr. Baljeet Beniwal, Advocate for respondent No.2.

...

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.0069 dated 16.03.2023 registered for offences punishable under Sections 376/417 IPC at Police Station Sector-17, District Faridabad.

2. On 25.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No.0069 dated 16.03.2023 registered for offences punishable under Sections 376/417 IPC at Police Station Sector-17, District Faridabad; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner as also the complainant were in consensual relationship with each other since the year 2017; marriage was also performed in January, 2023; the parties were also directed to appear the Mediation and Conciliation Centre of this Court vide order dated 21.11.2023 but the mediation proceedings could not fructify & the petitioner is ready and willing to join the investigation and cooperate therein.

Adjourned to 15.02.2024

The petitioner is directed to appear before the Investigating Officer on 01.02.2024 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 SI Rajesh, has stated that pursuant to the order dated 25.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

4. In view of above, the petition is allowed and interim order dated 25.01.2024 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.

20.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No