

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

CRA-S-1708 of 2023

DATE OF DECISION :- 10.01.2024

Rahis Khan

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Afjal Hussain, Advocate for the appellant.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. On 16.08.2023 the following order was passed:-

“By filing the present appeal, the appellant has challenged the impugned order dated 15.5.2023 (Annexure P-2) passed by the Additional Sessions Judge, Nuh, whereby anticipatory bail application filed by the appellant was dismissed.

Learned counsel for the appellant submits that the co-accused of the appellant, namely, Musarraaf, against whom similar allegations have been levelled, has been granted the concession of anticipatory bail vide order dated 29.8.2022, passed by the Additional Sessions Judge (Fast Track Special Court for Trial of Offences under POCSO Act), Nuh. In support of his submission, learned counsel for the appellant has produced the photocopy of the said order, which is ordered to be taken on record as ‘Mark-A’.

Learned counsel for the State does not dispute the aforesaid fact and seeks time to file detailed status report in the matter.

Adjourned to 10.1.2024.

In the meantime, the appellant Rahis Khan is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his

furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the appellant shall make himself available for interrogation before the Investigating Officer as and when required ;

ii) that the appellant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;

iii) that the appellant shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the appellant alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

2. Learned State counsel on instructions from DSP Surender Singh has stated that pursuant to the order dated 16.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. He has filed the status report dated 08.01.2024 by way of affidavit of Sh. Surender Singh, HPS, Deputy Superintendent of Police, Punhana, District Nuh. The same be taken on record.

3. In view of above, the interim order dated 16.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.

5. 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.
6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

10.01.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No