

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30969 of 2023

DATE OF DECISION :- 15.01.2024

Balraj

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sukhdev Singh Kanwal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Prashant Singh Chauhan, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. On 17.10.2023, the following order was passed:-

“CRM-43940-2023

This is an application for placing on record the documents as Annexures P-7 and Annexure P-8.

For the reasons stated in the application, the same is allowed. Annexures P-7 and P-8 are taken on record, subject to all just exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-30969-2023

1. *The petitioner is seeking anticipatory bail in the case bearing FIR No.0044 dated 23.02.2023 under Sections 406/498-A/506/315/323/328/34 IPC, registered at Police Station Rewari (city), District Rewari (Haryana).*

2. *Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 14.11.2019 and a daughter has been born from the wedlock. The FIR has been registered on the basis of false allegations.*

There is no medical evidence to indicate that the abortion was caused on account of any act or conduct attributed to the petitioner. The petitioner is innocent and had been keeping his wife nicely. In terms of the order dated 26.06.2023, the arrest of the petitioner was stayed and he is not being joined investigation despite issuance of letters to the Investigating Officer.

3. Learned State counsel and the counsel for the complainant contend that the petitioner has not joined the enquiry, despite issuance of the notice under Section 41-A IPC.

4. Faced with this situation, learned counsel for the petitioner contends that the petitioner shall join the investigation on any date and time to be fixed by the Court or as may be convenient to the Investigating Agency.

5. In these set of circumstances, the petitioner is directed to visit Police Station Rewari (City) on 30.10.2023 at 10:00 A.M. and join the investigation. It is further directed that in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

6. Adjourned to 13.12.2023.”

2. Learned State counsel on instructions from ASI Naresh has stated that pursuant to the order dated 17.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 17.10.2023 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

15.01.2024
P.Singh

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