

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

**CRM-M-31362 of 2023 (O&M)
DATE OF DECISION :- 16.02.2024**

...Petitioner

Sunny

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Parveen Sharma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 05.09.2023, the following order was passed:-

“CRM-36543-2023

1. This is an application for amendment of bail application, head note and prayer clause for addition of the offences which have been added subsequent to the registration of the FIR.

2. For the reasons stated in the application, the same is allowed.

Amended memo of parties is taken on record.

3. Registry is directed to annex the same at appropriate place.

4. Application is disposed of.

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5. The petitioner is seeking anticipatory bail in case bearing FIR No.196 dated 08.04.2023 under Sections 366/376(2)(n)/420/506 IPC and Sections 67-A of the IT Act, Sections 354-A/354-D/467/468/471/509 and 120-B IPC (added later on) registered at Police Station Industrial Sector 29, Panipat, District Panipat.

6. Learned counsel for the petitioner contends that the prosecutrix is aged about 26 years and was in consensual relationship with the

petitioner. There are false allegations with regard to payment of the amount to the petitioner by the prosecutrix on the pretext of providing job. The petitioner is a married man and was in relationship with the prosecutrix. In the FIR, there are allegations to the effect that on 01.03.2023, the petitioner had taken the prosecutrix to a hotel and physically exploited her. In fact, at the earlier instance, on two occasions, the petitioner and prosecutrix had visited the same hotel. The reply submitted by the respondent-State also indicates that the petitioner alongwith prosecutrix had visited the hotel 'Comfort Inn' on 13.09.2022 from 9 A.M. to 4 P.M. and, thereafter, on 28.12.2022 from 11 A.M. to 3:10 P.M. and the entries are also recorded in the record of the hotel. The petitioner was having business relations with the brother of the prosecutrix and substantial amounts have been transferred in the account of the mother, brother and friend of the prosecutrix. Furthermore, the petitioner has met with a severe road side accident on 26.08.2023 and has suffered serious head injuries. Presently, he is admitted in Aadhar Hospital and Trauma Centre, Panipat.

7. Learned State counsel and counsel for the complainant submits that subsequent to the registration of the FIR, the petitioner had been threatening and abusing the prosecutrix.

8. Adjourned to 24.01.2024.

9. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged.”

2. Learned State counsel, on instructions from SI Rajesh Kumar, has stated that pursuant to the order dated 05.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation except for recovery of money.

3. In view of above, the present petition stands allowed and the interim order dated 05.09.2023 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

16.02.2024
P.Singh

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