



CRM-M-31208 of 2024 1

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

209 **CRM-M-31208 of 2024**
DATE OF DECISION :- 25.07.2024

Massapai Bai and another **...Petitioners**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Hartik Gupta, Advocate
for Mr. Amit Choudhary, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Aditya Sanghi, Advocate with
Mr. Saurabh Sharma, Advocate for complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No. 0262 dated 13.06.2024, registered for offences under Sections 323/34/376(2)(n)/450/506 of the IPC, at Police Station City Fatehabad, District Fatehabad.

2. On 04.07.2024, the following order was passed:-

“Apprehending their arrest in FIR No.0262 dated 13.06.2024 registered for offences punishable under Sections 323/34/376(2)(n)/450/506 IPC at Police Station City Fatehabad, District Fatehabad, Haryana; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia relies upon the deed of live-in relationship (copy whereof has been appended as Annexure P-2) as also affidavit sworn in by the victim/complainant (copy whereof has been appended as Annexure P-3) to contend that the son of petitioner No.1 and brother of petitioner No.2 was



in a live-in relationship with the victim/complainant; the FIR in question was registered on account of such relationship turning sour; the allegations of cheating of Rs.1.90 lacs has been levelled only with a view to lend severity to the allegations & the petitioners are 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. Aditya Sanghi, Advocate appears and files memorandum of appearance on behalf of the complainant/victim. The same is taken on record.

Adjourned to 25.07.2024.

The petitioners are directed to appear before the Investigating Officer on 08.07.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Usha has stated that pursuant to the order dated 04.07.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the allegations made against the petitioners are serious in nature and hence anticipatory bail ought not to be granted to the petitioners.

5. In view of above, the present petition stands allowed and the interim order dated 04.07.2024 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 petitioners 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 petitioners violate 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.

(SUMEET GOEL)
JUDGE

25.07.2024
P.Singh

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