

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

CRM-M-32780 of 2023

DATE OF DECISION :- 02.02.2024

Sourabh Chopra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sachin Luthra, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. On 18.07.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.273 dated 13.5.2023, under Sections 323, 498-A, 509, 406 and 506 IPC, registered at Police Station Mahesh Nagar, Ambala Cantt., District Ambala.

It is inter alia submitted by learned counsel for the petitioner that marriage between petitioner and complainant was solemnized on 21.4.2015 and two children were born out of this wedlock. It is submitted that when the complainant went before the Police authorities to lodge the FIR against the petitioner, she abandoned their minor son aged one and a half year old, unattended and left the place in clandestine manner and this fact can be verified from the CCTV footage of the concerned Police Station. It is further submitted that the complainant is staying in the petitioner's house alongwith their six years old minor daughter, and the petitioner alongwith his parents was subjected to man-handling by the complainant and her family members, and have been forced to leave

the said house and compelled to live in a rented accommodation alongwith his 1-½ years old son.

Notice of motion for 31.10.2023.

On asking of the Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on 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 petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioner 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 petitioner 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 petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

2. Learned State counsel on instructions from ASI Saroj has stated that pursuant to the order dated 18.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 18.07.2023 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

02.02.2024
P.Singh

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