

2024:PHHC:021702

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

204

CRM-M-38889-2021
Date of decision: 15.02.2024

VIRENDER

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: None for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Karan Inder Singh, Advocate for
Mr. Ajay Ghangas, Advocate,
for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.078 dated 16.05.2021, registered for the offences punishable under Sections 376(2)(n), 498-A, 506 read with Section 34 of Indian Penal Code, 1860, at Women Police Station, District Panipat.
2. An affidavit dated 14.02.2024 filed by the Superintendent of Police, Panipat, has been filed in Court today. The same is taken on record.
3. On 29.10.2021, the following order was passed:-

“Case has been heard through video conferencing on account of Covid-19 Pandemic.

In the FIR, there are no specific allegations against the petitioner regarding the alleged rape. No specific date, month or year is

recorded in the FIR relating to sexual assault made by the petitioner on the prosecutrix. The husband of the prosecutrix against whom similar allegations are levelled by the prosecutrix, has been released on bail in this case on 7.6.2021 by the police itself as is clear from the reply by way of affidavit of Pardeep Kumar, Deputy Superintendent of Police (Crime) filed on behalf of the respondent-State.

In these circumstances, in case of arrest, the petitioner is directed to be released on interim anticipatory bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner should join the investigation with the police well in time before the next date of hearing and should abide by the conditions envisaged under Section 438(2) Cr.P.C.

Now be listed on 1.12.2021.”

4. Learned State counsel, on instructions from ASI Santosh, has stated that pursuant to the order dated 29.10.2021, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of the above, the present petition is allowed and interim order dated 29.10.2021 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 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.

7. 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.

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

February 15, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No