CRM-M-34382-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34382-2024 (O&M)
Date of Decision: 05.09.2024

OMKAR

.. Petitioner

Vs.

STATE OF HARYANA & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Keshav Pratap Singh, Advocate and
Mr. Kunal Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Manish Soni, Advocate for complainant/respondent No.2.

...

SUMEET GOEL, J. (Oral)

CRM-35705-2024

Application is allowed, subject to all just exceptions. Reply as also Annexures R-1 to R-7 are taken on record.

CRM-M-34382-2024 (O&M)

1. This petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in FIR No. 202 dated 07.06.2024 registered for offences punishable under Sections 323,376(2)(n),506,509 of IPC at Police Station Sohana City, District Gurugram.

2. On 19.07.2024, the following order was passed:-

> "*Apprehending his arrest in FIR No. 202 dated 07.06.2024 registered for offences punishable under Sections 323,376(2)(n),506,509 OF IPC at Police Station Sohana City, District Gurugram; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.*
>
> *Inter alia contends that the petitioner and the victim were earlier in a relationship and thereafter they have*

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2024.09.05 16:52
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solemnized marriage; reliance is placed upon the marriage certificated dated 01.07.2019 (copy whereof has been appended as Annexure P-2 with the present petition); photographs of marriage have also been relied upon; the victim/complainant had earlier made a complaint with the Delhi Police which was closed on account of the said complaint having been arisen from a matrimonial dispute & the petitioner is 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. Manish Soni, Advocate has entered appearance for the complainant.

Adjourned to 01.08.2024.

The petitioner is directed to appear before the Investigating Officer on 24.07.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023."

3. Learned State counsel, on instructions from ASI Saroj, has stated that pursuant to the order dated 19.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for respondent No.2 has vociferously raised submissions in tandem with the reply submitted on behalf of the complainant/respondent No.2.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of the petitioner having joined investigation and the State is not seeking custodial interrogation of the petitioner as also there being no allegation, at present, against the petitioner for having misused the concession of interim pre arrest bail, this Court deems it appropriate to allow the petition and confirm the interim order dated 19.07.2024 passed by

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this Court, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Ordered accordingly.

7. This order should not be treated as "blanket" order. It will not be interpreted as 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.

8. 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 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

10. Pending applications, if any, shall also stand disposed off.

05.09.2024 **(SUMEET GOEL)**
Jasmine Kaur **JUDGE**

Whether speaking/reasoned Yes No

Whether reportable Yes No

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