

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

**CRM-M-37571 of 2023 (O&M)
DATE OF DECISION :- 14.02.2024**

Saksham Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Namit Khurana, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Amit Sharma, Advocate appearing
for Mr. Nancy Vashishtha for complainant.

SUMEET GOEL, J. (Oral)

1. On 03.08.2023, the following order was passed:-

“The petitioner herein seeks the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.28 dated 19.06.2023 registered at Police Station Women, Yamuna Nagar, under Sections 354-D, 506 and 509 IPC, wherein the offence under Section 384 IPC is stated to have been added later-on.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely involved in the criminal case under reference whereas in fact, he had no role to play in the alleged crime and moreover, he is ready to join in the investigation as and when so required and is also not involved in any other criminal case.

Notice of motion.

Mr. Amrik Singh Narwal, learned Deputy Advocate General, Haryana, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-

State in advance, accepts the notice. He seeks some time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

At this stage, Mr. Arjun Dhingra, Advocate, has also put in appearance on behalf of the complainant in the instant case and has submitted his power of attorney in the Court and the same is taken on the record.

Adjourned to 15.11.2023.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions from HC Anita, has stated that pursuant to the order dated 03.08.2023, the petitioner has joined investigation but recovery of motor cycle and a mobile phone is yet to be effected.
3. Faced with this situation, learned counsel for the petitioner submits that a settlement has already been arrived at between the petitioner and the complainant/victim.
4. In view of above, the present petition stands allowed and the interim order dated 03.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. 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.

6.

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.
7.

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

14.02.2024
P.Singh

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