



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-2638-2024

Date of decision : November 07, 2024

Pooja alias Pooja Devi

....appellant

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Gahlawat, Advocate, for the appellant
Mr. Bhupender Singh, DAG, Haryana
Mr. Ram Pal Verma, Advocate, for the complainant

KULDEEP TIWARI,J. (ORAL)

1. Status report dated 6.11.2024, by way of affidavit of Sh. Sanjay Kumar, HPS, Deputy Superintendent of Police, HQ, Hansi, District Hisar, is filed today in Court by the learned State counsel, and the same is taken on record. Copy thereof, is supplied to the counsel opposite.
2. On 3.9.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Learned counsel for the appellant, in order to throw challenge to the impugned order dated 15.07.2024, whereby application of the present petitioner, for grant of pre-arrest bail has been declined, inter alia submits that the appellant also belongs to the scheduled caste category, for which he placed reliance upon Scheduled Caste Certificate (Annexure P-6).

He further submits that the only offence, which can be invoked as per the allegation, is Section 384 IPC, in which the maximum punishment prescribed under the statute is upto 3 years.

He also submits that the FIR was not cancelled on merits, rather, the same was cancelled for the reason that the present appellant resiled in a statement recorded under Section 164 Cr.P.C., therefore, there is no occasion arise for the appellant to again demand or extort money from the respondent no.2/complainant.

He in addition submits that the appellant is a student, and was residing in the hostel, where the wife of the present complainant/ respondent no.2 was working as a warden.

On the last date of hearing Mr.Ram Pal Verma, Advocate, had caused appearance on behalf of respondent no.2, however, today no one has appeared on his behalf.

Adjourned to 14.10.2024.

Meanwhile, the appellant is directed to join the investigation and on his doing so, the appellant be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Today, the learned State counsel, on instructions imparted to him by the official concerned, stated that though the appellant has joined the investigation, but the amount which is allegedly extorted, has not been got recovered. Simply, because the amount has not been got recovered, the appellant is not dis-entitled for the asked relief. Therefore, the instant appeal is **allowed**, and the hereinabove extracted interim order dated 3.9.2024, is hereby made absolute, subject to the hereinafter extracted conditions:-

“(i) the appellant(s) shall not commit an offence similar

to the present offence;

(ii) the appellant(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the appellant(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting appellant(s) 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

November 07, 2024

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**(KULDEEP TIWARI)
JUDGE**

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