

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
219

CRM-M-36742-2024
Date of decision: 23.09.2024

ARUN

....PETITIONER

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

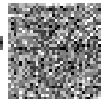
Ms. Amandeep Kaur, Advocate
for respondent Nos.2 and 3.

SUMEET GOEL, J.

The present petition has been filed on 30.07.2024 under Section 438 of Cr.P.C. for anticipatory bail.

As per the judgment rendered by this Court titled as '*Abhishek Jain Vs. State of U.T. Chandigarh and another (CRM-M-31808-2024:2024:PHHC:085784)*', the present petition is not maintainable under under Section 438 of Cr.P.C. for anticipatory bail. However, keeping in view the entirety of facts and circumstances of the case especially that the present petition pertains to anticipatory bail, the present petition is directed to be considered as a petition under Section 482 of BNSS, 2023.

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.197 dated 18.05.2024, registered for the offences punishable under Sections 363 & 366-A of IPC (Section 376(2) N IPC and Section 6 of the POCSO Act, 2012



added later on) at Police Station Narnaund, Police District Hansi, District Hisar.

2. On 13.08.2024, the following order was passed:-

“In compliance to the order dated 01.08.2024, Superintendent of Police Hansi has filed his affidavit dated 12.08.2024 in the Court today. The same be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the petitioner seeks and is permitted further time to file requisite affidavit in terms of the order dated 01.08.2024 earlier passed by this Court.

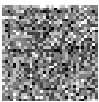
Learned counsel for the petitioner Inter alia contends that there was consensual friendship between the petitioner & respondent No. 3 which was not to the liking of the family of respondent No. 2 and hence the petitioner has been falsely implicated into the FIR in question; no recovery is to be made from the petitioner & the petitioner is willing to join investigation and cooperate therein. Adjourned to 12.09.2024.

The petitioner is directed to appear before the Investigating Officer on 20.08.2024 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 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from SI Pardeep Kumar, has stated that pursuant to the order dated 13.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 13.08.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

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 482(2) of BNSS, 2023 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.
- 8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2024
jatin

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