

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-40068-2023

Date of decision: 27.02.2024

DINESH MORIYA ALIAS MANGAL

...Petitioner

V/S

STATE OF PUNJAB & ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.B.R. Rana, Advocate, for the petitioner.

Mr.Adhiraj Singh Thind, AAG, Punjab.

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.200 dated 20.10.2022, registered for the offences punishable under Section 376 of IPC at Police Station Salem Tabri, District Ludhiana.

2. On 08.02.2024, the following order was passed:-

“Reply by way of affidavit of Sh. Harjit Singh, Station House Officer, Police Station, Salem Tabri, has been filed in Court today. The same is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

No one has put in appearance on behalf of the complainant today.

Learned counsel for the petitioner, inter alia, contends that the petitioner and the complainant were in a live-in relationship. The FIR in question has been lodged on account of such relationship turning sour.

Adjourned to 27.02.2024.

The petitioner is directed to appear before the Investigating Officer on 13.02.2024 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 ASI Shigara Singh, has stated that pursuant to the order dated 08.02.2024, 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 08.02.2024 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.

February 27, 2024
poonam

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No