

Ravi Kait ...Petitioner

Versus

State of HaryanaRespondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naresh Kumar Chhokar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Rakesh Nagpal, Advocate for the complainant.

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.288 dated 01.08.2019, registered for the offences punishable under Sections 323, 34, 342, 354-A, 377, 498-A, 506 IPC, 1860, at Police Station Matlauda, District Panipat.

On 26.08.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.288 dated 01.08.2019 under Sections 323/34/342/354-A/377/498-A and 506 IPC registered at Police Station Maltauda, Panipat. Learned counsel for the petitioner contends that the FIR has been registered on the basis of false and vague allegations. The marriage of the petitioner was solemnized with the complainant on 01.03.2019. The parents, brother and sister of the petitioner have already been granted prearrest bail though the said order is also a subject matter of challenge in this Court. Annexure P-2 is the list of articles of istridhan and the entire articles of istridhan which were in possession of the petitioner

and his family members have been returned and nothing is to be recovered from him. The articles of istridhan are not supported with any bill.

Learned State counsel submits that in the instant case, the petitioner is yet to join investigation as the interim direction was only to the extent that no coercive means shall be adopted against him. She seeks adjournment to get instructions with regard to recovery of articles of istridhan.

Learned counsel for the complainant has also opposed the bail application on the score that there are serious allegations with regard to outraging of modesty levelled against the brother of the petitioner.

It may be mentioned here that the brother of the petitioner has been granted pre-arrest bail and the same has not yet been cancelled, though, the matter is pending in this Court.

Adjourned to 17.11.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Learned State counsel on instructions from PSI Arvind has stated that pursuant to the order dated 26.08.2022 the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 26.08.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.
5. 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.
6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

February 29, 2024
poonam

(SUMEET GOEL)
JUDGE

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