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CRM-M-44025-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44025-2024 (O&M)

Date of Decision: 15.10.2024

RAGHUVINDER

.. Petitioner

Vs.

STATE OF HARYANA & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gautam Dutt, Advocate and
Ms. Prachi Gupta, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Ravi Dutt Sharma, Advocate
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 0073 dated 23.08.2024 registered for offences punishable under Sections 313,328,376(2)(n),506 of IPC at Women Police Station Bhiwani, District Bhiwani.

2. On 06.09.2024, the following order was passed:-

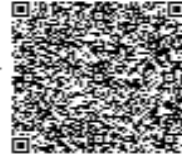
“At the outset, learned counsel for the petitioner states that due to inadvertence the complainant could not be impleaded as a party-respondent. On his request, the complainant-respondent is directed to be impleaded as party-respondent No. 2. The details of the complainant-respondent No. 2 are as under :-

“Neetu Rani d/o Bhanwar Singh, resident of Village Devsar, District Bhiwani.”

The Registry is directed to carry out requisite correction in the memo of parties.

Apprehending his arrest in FIR No. 0073 dated 23.08.2024 registered for offences punishable under Sections 313,328,376(2)(n),506 of IPC at Women Police Station Bhiwani, District Bhiwani; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that petitioner and the complainant have married each other on 02.07.2024; the petitioner has been transferring different amounts of money to the complainant on different occasions; a Zero FIR was earlier

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registered in the jurisdiction of District Bhiwani which was later on transferred to District Sikar but the same FIR is being again transferred back to District Bhiwani and the same is being illegally investigated into by the Bhiwani police & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana appears and accepts notice on behalf of the respondent-State.

Learned State counsel is directed to furnish a response to the instant petition especially qua para No. 10 of the petition.

Adjourned to 15.10.2024.

The petitioner is directed to appear before the Investigating Officer on 11.09.2024 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 482(2) of BNSS, 2023.”

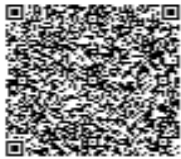
3. Learned State counsel has filed a status report by way of affidavit of Anoop Kumar, HPS, Deputy Superintendent of Police, Bhiwani II, Bhiwani, Haryana in the Court today and the same is taken on record.

4. Learned State counsel has raised submissions in tandem with status report filed by the State.

5. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail. Learned counsel for the complainant has further iterated that repeated threats are being made by the petitioner to the victim/complainant on which account the victim has been repeatedly approaching the concerned police headquarters but to no avail.

6. However, on a pointed query, learned counsel for the complainant has not been able to point out as to whether any FIR/DDR was registered in this regard.

7. Having heard learned counsel for the parties and upon perusal of the record, this Court deems it appropriate to confirm the interim pre



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arrest bail order dated 06.09.2024 granted earlier in favour of the petitioner. It is not in dispute that the petitioner has joined investigation. The only ground on which the State is seeking custodial interrogation of the petitioner is non-furnishing of the SIM card of the victim’s mobile phone in question by the petitioner to the police. This ground, by itself, cannot be deem sufficient to decline the concession of anticipatory bail to the petitioner when, on all other accounts, the case for grant thereof is made out.

8. This order should not be treated as “blanket” order. It will not be interpreted as 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.

9. 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) BNSS, 2023 or upon showing any other sufficient cause.

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

15.10.2024

Jasmine Kaur

Whether speaking/reasoned
Whether reportable

(SUMEET GOEL)
JUDGE

Yes No
Yes No