



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

301 CRM-M-44896 of 2024 (O&M)
DATE OF DECISION :- 14.11.2024

Vijay Kumar ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ram Kumar Saini, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Sandeep Saini, Advocate for
Mr. DPS Bajwa, Advocate for complainant-respondent No. 2.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 60 dated 05.08.2024 registered for offences punishable under Sections 354-C, 376(2)(n), 506 IPC at Women Police Station, Yamuna Nagar, District Yamuna Nagar.

2. On 10.09.2024, 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 :-

“Sudesh d/o Barka Ram, resident of Village Jathlana, Tehsil Randhaur, District Yamuna Nagar.”



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

Apprehending his arrest in FIR No. 60 dated 05.08.2024 registered for offences punishable under Sections 354-C, 376(2)(n), 506 IPC at Women Police Station, Yamuna Nagar, District Yamuna Nagar; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that there was consensual relationship between the petitioner and the complainant which turned sour later on and FIR has been got registered on account of this fact; the complainant has now sworn in affidavit (copy whereof has been annexed as Annexure P-3 with the instant petition); that settlement has been arrived at between the petitioner and the complainant & 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.

Adjourned to 21.10.2024.

The petitioner is directed to appear before the Investigating Officer on 13.09.2024 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.

Process Dasti only qua respondent No. 2. It is made clear that in case Dasti service is not effected upon the respondent No. 2 by the petitioner, the interim order may be liable to be vacated on this score alone.”

Thereafter, on 13.11.2024, the following order was passed:-

“Investigating Officer of the case (along with the case diary) is



present in Court today.

Learned State counsel, on instructions from ASI Sharmila, has submitted that the petitioner had handed over the motorcycle as also the mobile phone in question on 09.11.2024.

Keeping in view the entirety of facts and circumstances of the case, the interim protection earlier accorded to the petitioner vide orders dated 10.09.2024 and 21.10.2024 is hereby restored.

Put up on 14.11.2024, for arguments.

The personal appearance of the Investigating Officer is exempted.”

3. Learned State counsel, on instructions from ASI Sharmila, has stated that pursuant to the order dated 10.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant-respondent No. 2 has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner. Learned counsel for the complainant-respondent No. 2 has further iterated that in case the petitioner is granted the concession of anticipatory bail, there are all chances that he may intimidate/influence the witnesses as also the victim.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of petitioner having joined investigation and not being required for custodial interrogation, the present petition stands allowed and the interim order dated 10.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. 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.

- 7. 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.
- 8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
- 9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

14.11.2024
P.Singh

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