

2024:PHHC:012758

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

209

CRM-M-47683-2023
Date of Decision: 31.01.2024

Rakesh @ Kalu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON’BLE MR.JUSTICE SUMEET GOEL

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

Ms. Mahima Yashpal, DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. On 21.09.2024, the following order was passed:-
- “1. Petitioner is seeking anticipatory bail in case bearing FIR No.307 dated 27.08.2023 under Sections 323, 354, 451, 506 IPC and Section 12 of Protection of Children from Sexual Offences Act, registered at Police Station Sadar Jhajjar, District Jhajjar.*
- 2. Learned counsel for the petitioner contends that the victim is aged about 17 years. As per the allegations, the petitioner had misbehaved, teased and given beatings to her. It has been submitted that the family members of the victim suspected that the petitioner is in relationship with the victim. Accordingly, the parents of the victim gave a telephonic call to the petitioner to visit their house to settle the matter. However, the petitioner refused to do so. Thereafter, the victim gave a call to the petitioner and told him that her parents are suspecting that the petitioner is in relationship with her and he is being called to the house by the parents. On that score, the petitioner visited the house of the victim and he was inflicted injuries by the family members of the victim. The petitioner was medically examined at*

Civil Hospital, Jhajjar and thereafter, referred to PGIMS, Rohtak for CT scan and further management. The father of the petitioner has also submitted a representation, Annexure P-5 to the Superintendent of Police, Jhajjar.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State and submits that there are categoric allegations against the petitioner. However, he seeks adjournment to get instructions with regard to the representation and submit reply in the matter.

5. Adjourned to 12.12.2023.

6. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions from SI Rakesh, has stated that pursuant to the order dated 21.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 21.09.2023 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.

(SUMEET GOEL)
JUDGE

January 31, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>