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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49252-2023 (O&M)

Date of Decision: 21.02.2024

MOHD. ALEEM

.. Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anas Ahmed, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 218 dated 01.07.2023 under Sections 363/506/34 IPC and Section 8 of the POCSO Act registered at Police Station City Nuh, District Nuh.
2. On 23.01.2024, the following order was passed:-

“Inter alia, contends that the prosecutrix (while having been examined as PW-1) has turned hostile and has not testified against the petitioner (herein) Mohd. Aleem.

The petitioner is directed to appear before the Investigating Officer on 29.01.2024 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.

Put up on 21.02.2024.....”

3.

Learned State counsel, on instructions from ASI Saroj Kumari, has stated that pursuant to the order dated 23.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4.

In view of above, the petition is allowed and interim order dated 23.01.2024 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 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.
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.
8.

Pending application(s), if any, shall also stand disposed off.

21.02.2024

(SUMEET GOEL)

Jasmine Kaur

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No