

2024:PHHC:010479
207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50527-2023
Date of decision: 25.01.2024

BANSI **....Petitioner**
STATE OF HARYANA **....Respondent**

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhishek Goyal, Advocate, for the petitioner.
Mr. S.S.Pannu, Addl.A.G.Haryana.

SUMEET GOEL, J.

1. On 06.10.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.94 dated 03.09.2023, under Sections 354-B, 365 and 450 IPC, registered at Police Station Women, Palwal, District Palwal.

Learned counsel for the petitioner inter alia submits that the victim in the present case is 18 years old. It is submitted that as per FIR, the date of alleged incident is 31.8.2023, however, the FIR was registered after three days of the incident i.e. on 03.09.2023. It is submitted that no explanation is forth-coming in respect of the said delay in registering the FIR in question. Learned counsel states that utterly false and vague allegations have been levelled in the FIR that the petitioner had taken away the victim. However, learned counsel submits that petitioner is ready to join the investigation and undertakes to cooperate in the investigation, and therefore prays that the concession of anticipatory bail be granted to the petitioner.

Notice of motion.

On asking of the Court, Mr. Brijesh Sharma, AAG, Haryana accepts notice on behalf of respondent-State. Learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner and refers to the impugned order dated 11.9.2023 passed by the Additional Sessions Judge, Palwal, wherein reference has been made to the statement of the victim under Section 164 Cr.P.C. wherein she had supported the prosecution case. He seeks short accommodation to file the detailed status report in the matter.

Adjourned to 25.1.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing”

2. Learned State counsel on instructions from ASI Jaswant, has stated that pursuant to the order dated 06.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 06.10.2023 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 25, 2024
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No