

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-52123-2023
Date of decision: 23.01.2024

Sagar @ Sagar Khurana

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parminder Singh, Advocate, for the petitioner.
Ms. Ankita Ahuja , AAG, Haryana.

SUMEET GOEL, J.

1. On 13.10.2023, 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.696 dated 31.08.2023, under Sections 294, 354, 427, 452, 506, 34 IPC, registered at Police Station City, Karnal.

Learned counsel for the petitioner inter alia submits that the date of alleged incident is 18.8.2023 at 11.30 pm, however, the FIR (Annexure P-1) was registered 13 days thereafter on 31.8.2023 without explaining the delay in lodging the same. Learned counsel submits that the allegations made in the FIR qua the petitioner, in any case, are vague and unsubstantiated. It is submitted that the co-accused, namely, Rohit @ Rolu is the main accused in the present FIR, who had earlier been assaulted by the son of the complainant. As a result, co-accused Rohit @ Rolu had filed an application/complaint against the son of the complainant, namely, Gaurav Sharma, on the basis of which, the FIR No.0283 dated 19.5.2020, under Sections 148, 149, 323, 324, 506 IPC, was registered against said Gaurav Sharma at Police Station City, Karnal (Annexure P-2), in which case said Gaurav Sharma (son of the present complainant-Sudesh Kumari) is currently facing trial. It is submitted that the co-accused Rohit @

Rolu in the present case is facing trial and is in custody. Learned counsel further states that petitioner is ready to join the investigation and undertakes to cooperate in the same, 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. He opposes the prayer for grant of anticipatory bail to the petitioner and submits that specific allegations have been made in the FIR that the petitioner had snatched dupatta of the complainant and hurled abuses. Learned State counsel seeks an adjournment to file the detailed status report in the matter.

Adjourned to 23.1.2024.

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 Kuldeep Singh, has stated that pursuant to the order dated 13.10.2023, the petitioner

has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 13.10.2023 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 23, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No