



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

212

CRM-M-51199 of 2024

DATE OF DECISION :- 27.11.2024

Nikhil Dhingra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Deepam Ragav, Advocate
with Mr. Aakash Pal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Saurabh Dalal, Advocate
with Mr. Sankalp Gehlawat, Advocate
for respondent No. 2-complainant.

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.196 dated 17.7.2024, registered for offences punishable under Sections 376 (2)(n), 354-A, 323 and 34 of IPC at Police Station BPTP, Faridabad.

2. On 28.10.2024, the following order was passed:-

“Apprehending his arrest in FIR No.196 dated 17.7.2024, registered for offences punishable under Sections 376 (2)(n), 354-A, 323 and 34 of IPC at Police Station BPTP, Faridabad; the petitioner has preferred this petition under Section 482 of BNSS, 2023, seeking pre-arrest bail.

Inter alia contends that there was a relationship between the petitioner and the victim which fell apart later on and hence the FIR



in question has been registered against the petitioner. The real intention behind the FIR is to put pressure upon the petitioner to settle the matter at the terms of the victim and her family & the petitioner is willing to join investigation and cooperate therein in accordance with law.

Status report by way of affidavit of Rajeev Kumar, HPS, Assistant Commissioner of Police, Central, Faridabad, has been filed in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner as also to learned counsel for respondent no.2. At this stage, learned counsel for respondent no.2 has vehemently opposed the grant of interim anticipatory bail to the petitioner.

Adjourned to 27.11.2024.

The petitioner is directed to appear before the Investigating Officer on 4.11.2024 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 Bharatiya Nagarik Suraksha Sanhita, 2023.”

3. Learned State counsel, on instructions from P/SI Joginder has stated that pursuant to the order dated 28.10.2024, the petitioner has joined investigation and is not required for custodial interrogation except for recovery of gold chain/bracelet etc.

4. Learned counsel for respondent No. 2-complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature. Learned counsel for for respondent No. 2-complainant has further iterated that in case the petitioner is granted the concession of anticipatory bail there is every



likelihood that he may tamper the evidence as also threaten/ intimidate the complainant and the prosecution witnesses.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of petitioner having joined investigation in terms of the order dated 28.10.2024 and his custodial interrogation being required by State only on account of effecting recovery recovery of gold chain/bracelet etc. said to be in possession of the petitioner, the present petition stands allowed and the interim order dated 28.10.2024 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.

(SUMEET GOEL)
JUDGE

27.11.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No