

2024:PHHC:027274

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

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CRM-M-60932-2023 (O&M)
Date of decision: 27.02.2024

MANOJ KUMAR

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Mayur Karkra, Advocate for
Ms. Neha Dewan, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr.D.P.S. Bajwa, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.208 dated 02.11.2023, registered for the offences punishable under Sections 354, 354-D, 509 of IPC (Sections 354-C, 376 (2) N of IPC, Section 6 of POCSO Act and Section 66E & 67-A of IT Act added later on) at Police Station Siwan, District Kaithal.

2. On 23.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 208 dated 02.11.2023 registered for offences punishable under Sections 354,354-D,509 IPC (Sections 354-C,376(2)N of IPC, Section 6 of POCSO Act and Section 66E and 67A of IT Act added later on) at Police Station Siwan, District Kaithal; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the instant FIR is the counter blast to FIR No. 194 dated 27.10.2023 lodged at the instance of the petitioner against the son and husband of the complainant; allegations in the FIR pertain to sexual assault in the year 2014 whereas the FIR in question came into being in the year 2023 & the petitioner is willing to join investigation and cooperate therein.

Adjourned to 07.02.2024.

The petitioner is directed to appear before the Investigating Officer on 25.01.2024 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.”

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

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are very serious in nature and hence he ought not to be granted the concession of anticipatory bail.

5. In view of above, the present 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.

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 438(2) Cr.P.C., 1973 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.
9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 27, 2024
poonam

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