

CRM-M-58508 of 2024

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

219

CRM-M-58508 of 2024

DATE OF DECISION :- 17.12.2024

Gaurav Sood

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Neeraj Yadav, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

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. 103 dated 30.10.2024 registered for offences punishable under Section 376(2)(n) of IPC and Section 69 of BNS, 2023 at Women Police Station, District Rewari.

2. On 25.11.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 103 dated 30.10.2024 registered for offences punishable under Section 376(2)(n) of IPC and Section 69 of BNS, 2023 at Women Police Station, District Rewari; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that a perusal of the FIR itself reveals that there was consensual relationship between the petitioner and the victim/complainant, the said relationship turned sour on account of supervening circumstances and the FIR in question has been registered as a result thereof & the petitioner is willing to join investigation and cooperate therein. In order to buttress his



arguments, learned counsel for the petitioner has relied upon the dicta of the judgment passed by this Court in ‘Sanjay Kumar Sharma Vs. State of Haryana & another’ 2024:PHHC:080609.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana appears and accepts notice on behalf of the respondent-State.

Adjourned to 17.12.2024.

The petitioner is directed to appear before the Investigating Officer on 28.11.2024 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 BNSS, 2023.”

3. Learned State counsel, on instructions from L/ASI Sushil, has stated that pursuant to the order dated 25.11.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Mr. Bhuvnesh Lakhera, Advocate has filed vakalatnama for complainant-respondent No. 2. The same be taken on record.

Learned counsel for the complainant-respondent No. 2 has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that there are direct/serious the allegations against the petitioner. It is further iterated by learned counsel for complainant-respondent No. 2 that petitioner has cheated the complainant into establishing physical relationship on account of solemnizing marriage which was not fulfilled later on. Learned counsel for complainant-respondent No. 2 has further submitted that in case the petitioner is granted the concession of anticipatory bail, there is every likelihood that he may

threaten the witnesses and also intimidate the complainant.



5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of petitioner having joined investigation and not being required for custodial interrogation, the present petition stands allowed and the interim order dated 25.11.2024 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

17.12.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No