



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

(213)

CRM-M-31023-2025

Date of Decision: 23.7.2025

Mubarik

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Kajal Chauhan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner, in case FIR No. 374 dated 18.11.2023, under Section 346 IPC (Sections 363, 366, 420, 468, 471, 201 IPC and Section 6 of the POCSO Act were added later on), registered at Police Station Dharuhera, District Rewari.
2. Status report by way of affidavit of Deputy Superintendent of Police, Headquarters, Rewari, has been filed by the State, which is taken on record.
3. Vide order dated 29.5.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.374 dated 18.11.2023, under Sections 346 IPC (Sections 363, 366, 420, 468, 471, 201 IPC and Section 6 of POCSO Act added later on), registered at Police Station Dharuhera, District Rewari.



2. *Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated in the present case, on the basis of the disclosure statement suffered by the co-accused who allegedly enticed away the prosecutrix on the false pretext of marriage. Learned counsel submits that there is no evidence on record to substantiate the allegation levelled against the petitioner that he had helped the main accused in securing a forged Aadhar card of the victim with a different date of birth of the victim for a sum of Rs.20,000/-. It is also highlighted that the co-accused has been acquitted by the learned Trial Court vide order dated 02.04.2025 (Annexure P-2).*

3. *Notice of motion.*

4. *At the asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent-State and prays for time to file reply.*

5. *Adjourned to 23.07.2025.*

6. *In the meantime, arrest of the petitioner shall remain stayed. He shall join investigation before the Investigating Agency/Officer and shall also abide by the following conditions as envisaged under Section 482(2) BNSS:-*

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

2) 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 from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the Court.”

4. Learned State counsel on instructions from SI Suresh submits that in compliance of order dated 29.5.2025, the petitioner has joined the investigation and is not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 29.5.2025 passed by this Court, is hereby made absolute.

6. This order should not be treated as "blanket" order. It will not be read granting the 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. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

8. The accused-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 or her from disclosing such facts to the Court or to any police officer.

9. The accused-petitioner shall not leave India without prior permission of the Court.

10. The accused-petitioner shall join the investigation as and when called by the police.

11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 23, 2025
Gurpreet Singh

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