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

Sr. No.203

**CRM-M-53021-2024 (O&M)
Date of decision : 21.02.2025**

Manoj Kumar

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. U.K. Kanwar, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, 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.0079 dated 26.08.2024, under Sections 323, 377, 406, 498-A, 506, 511 & 34 IPC, registered at Women Police Station, District Charkhi Dadri, Haryana.
2. Order dated 24.10.2024 passed by a Coordinate Bench of this Court, wherein the petitioner was directed to join investigation, is reproduced below:-

‘Prayer in the petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.0079 dated 26.08.2024 under Sections 323, 377, 406, 498-A, 506, 511 and 34 IPC, registered at Women Police Station, Charkhi Dadri, District Charkhi Dadri, Haryana.

Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant on 10.02.2023. One female child was born on 13.12.2023. As the petitioner suspected the fidelity of the complainant and suspected that she

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was in illicit relation with someone else, the parties started residing separately in March, 2024.

Thereafter, a legal notice dated 16.04.2024 (Annexure P2) was given by the petitioner to the complainant wherein he made the allegation that she is living in illicit relation with someone else. Learned counsel for the petitioner contends that the present FIR dated 26.08.2024 is a counter blast to the said legal notice as the petitioner had questioned the paternity of the child.

Learned counsel for the petitioner undertakes that the petitioner is ready to join investigation as and when required and shall cooperate with the investigating agency.

Notice of motion.

On the asking of the Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of respondent-State.

Learned counsel for the State opposes prayer made on behalf of the petitioner and on instructions from L/ASI Saroj submits that serious and specific allegations have been made against the petitioner.

Adjourned to 21.02.2025.

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 will 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.:-

That the petitioner shall make himself available for interrogation before the investigating officer as and when required;

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;

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That the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport if any.

Learned counsel for the State is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any on or before the next date of hearing.'

3. Learned State counsel on the basis of status report dated 15.02.2025 submits that in compliance of order dated 24.10.2024, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 24.10.2024 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) 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.

6. 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(s).

7. The accused-petitioner(s) 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.

8. The accused-petitioner(s) shall not leave India without prior permission of the Court.

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

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

(KIRTI SINGH)
JUDGE

21.02.2025
Ramandeep Singh

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