

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19835 of 2015

Date of decision: September 18, 2015

Gopal Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.K. Raheja, Advocate for
Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.821 dated 29.12.2014, under Sections 363, 366-A, 376, 420, 467, 468, 471, 120-B of Indian Penal Code, 1860 read with Section 10 of the Prohibition of Child Marriage Act, 2006, Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Bhiwani.

While issuing notice of motion, following order was passed by this Court on 15.06.2015:-

“The petition has been filed by the petitioner seeking for anticipatory bail in case FIR No.821

dated 29.12.2014 under Sections 363, 366A, 376, 420, 467, 468, 471, 120-B IPC read with Section 10 of Child Marriage Act 3/3/89 SC & ST Act and Section 4 of POCSO Act registered at Police Station City Bhiwani.

Notice of motion.

At the asking of the Court, Mr. Keshav Gupta, AAG, Haryana accepts notice for the respondent.

The petitioner's contention is that a false case has been foisted as though he entered into a conspiracy with his nephew to commit offence under Section 376 IPC and other related Sections mentioned above. It bears out from the record that after taking order from this Court for protection, the girl is actually living in her alleged husband's (the petitioner's nephew) house. I am convinced that the petitioner's apprehension for arrest has some basis and he will have the benefit of interim bail till the disposal of the petition.

Under the circumstances, in the event of arrest, the petitioner shall be released on bail subject to the conditions laid down under Section 438 (2) Cr.P.C. as under:-

(i) that the person shall make himself available for interrogation by a police officer as and when required;

(ii) that the person 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;

(iii) that the person shall not leave India without the previous permission of the Court; For reply by the State, adjourned to 29.06.2015."

Learned State counsel who is assisted by Sub Inspector Hardial Singh has submitted that petitioner has joined investigation and is not required for further investigation.

Accordingly, interim bail granted to the petitioner by this Court vide order dated 15.06.2015, is made absolute.

Petition stands disposed of accordingly.

(SABINA)
JUDGE

September 18, 2015
mahavir