

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

**Criminal Misc. No. M-25936 of 2015
Date of Decision: 14.08.2015**

Sanjiv Kumar alias Mintu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 438 CrPC is for grant of anticipatory bail to the petitioner in case FIR No.77 dated 17.6.2015 under Sections 354, 354-B IPC and Section 8 of the Protection of the Children from Sexual Offences Act, 2012 registered at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner contends that as per the FIR, there is no allegation against the petitioner except that he

entered the house of the complainant and when one Kannu son of Balbir Ram @ Kala started the scuffle with the prosecutrix and torn her clothes, he photographed the scene with his mobile phone. There is no allegation against him that he has either misbehaved with the girl or torn her clothes. Learned counsel further submitted that the mobile phone in question was already handed over to the police and thus, no recovery is required to be made from the petitioner.

Learned State counsel, on instructions from ASI Harjinder Singh, submits that the custodial interrogation of the petitioner is required, as the photography done by the petitioner is to be looked into.

Considering the fact that there is no serious allegation against the petitioner, this petition is disposed of with a direction that in the event of arrest of the petitioner, he shall be released on *ad interim* bail to the satisfaction of the arresting officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.

August 14, 2015
AK

(HARI PAL VERMA)
JUDGE