

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

CRM-M-33483-2015

Date of decision: 03.11.2015

Vishal Gautam

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Dr. D.P.S. Randhawa, Advocate for
Mr. P.S. Brar, Advocate for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

Mr. S.S. Rangi, Advocate and
Mr. Sahil Arora, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.2 dated 08.09.2015 under Sections 354, 506 IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Cell, Panchkula.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that petitioner has joined the investigation and he has cooperated with the investigating agency. Nothing is to be recovered from the petitioner and his custodial interrogation is not required. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Prem Chand, Police Station Mahila, Panchkula, submits that allegations against the petitioner are very serious in nature. He tried to molest a child of about 15 years. He is facing the allegations for the offences

under Section 354 and 506 IPC as well as Section 10 of the Protection of Children from Sexual Offences Act, 2012, provisions of which are very stringent. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant also supports the contentions raised by learned counsel for the State and seeks dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said because allegations against the petitioner are direct and serious.

Further, it is not the even argued case on behalf of the petitioner that he has been falsely implicated in the present case.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of the petitioner would be the compulsive necessity of the investigating agency so as to conduct an effective investigation.

No case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

03.11.2015
vishnu