

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

Criminal Misc. No.M- 16331 of 2017(O&M)

Date of Decision: July 26 , 2017.

Ravi Kumar PETITIONER (s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Deepak Raghava, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sandeep Berwal, Advocate
for respondent No.2.

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

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.373 dated 24.10.2016 under Sections 376(2)(d)/384/506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (the offences punishable under Sections 354D/120B IPC were added later), registered at Police Station Pundri, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case due to civil litigation pending between the co-accused Vivek and the

maternal aunt (Mausi) of the complainant. Subsequently, the complainant accepted her mistake in naming the present petitioner in the FIR. Moreover the petitioner, it is submitted, has joined investigation pursuant to order dated 18.05.2017. It is thus prayed that this petition be allowed.

Affidavit dated 25.07.2017 of ASI Jai Pal, Police Station Pundri, District Kaithal, filed in Court today, is taken on record subject to just exceptions. It is mentioned in this affidavit that the complainant in this case moved an application before the Superintendent of Police, Kaithal on 28.01.2017, which was marked to the Deputy Superintendent of Police, Kaithal for inquiry. Mr. Satish Gautam, the then Deputy Superintendent of Police, Kaithal recorded a statement of the complainant on 11.03.2017. Copy of the said application, the statement of the complainant as well as the report of the DSP, Kaithal are attached with this affidavit. The complainant stated that her aunt Santosh wife of Sultan, Subhash son of Munshi and Karam Singh son of Hari Singh misled her into giving the names of the present petitioner as well as one Vivek. A land dispute between her aunt and Vivek etc. is pending. Due to this reason, she was forced to make the statement against the said persons. It is further stated that both the said persons are innocent.

Learned counsel for the State, on instructions from ASI Jai Pal, affirms that the petitioner has joined investigation and keeping in view the peculiar facts and circumstances of the case, his custodial interrogation is not required.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 18.05.2017 is made absolute.

However before parting with this matter, it is considered appropriate to direct the Investigating Agency to look into the role of the persons who have allegedly forced/misled the minor to suffer such a statement and take appropriate steps as may be called for.

It is clarified that none of the observations made in this order shall have any effect on the ultimate conclusion which may be drawn by the Investigating Agency regarding the present petitioner and other co-accused. Said observations are solely confined for the purpose of decision of the present petition.

July 26 , 2017.
'om'

(LISA GILL)
JUDGE

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