

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

CRM-M -18715 of 2017 (O&M)

Date of decision: 07.09.2017

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sanjay Vashisth, Advocate for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Kallu Singh.

Mr. Manoj Kaushik, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.140 dated 20.04.2017, registered under Sections 363, 366-A, 506 of IPC and Section 4 of The Protection of Children from Sexual Offences (POCSO) Act, 2012, at Police Station Bhupani, District Faridabad.

On 24.05.2017, this Court had passed the following order:-

“Learned counsel for the petitioner submits that in a statement under Section 164 Cr.P.C of the prosecutrix, no role has been attributed to the petitioner. Further the members of the police party entered the house of the petitioner after 11 days of the incident.

Notice of motion for 07.09.2017.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating

Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;*
- ii. a condition 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. a condition that the person shall not leave India without the previous permission of the Court*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”*

It is contended that the prosecutrix always projected her to be major. Initially, she refused for conducting MLR upon her, however, under pressure of family members, her MLR was carried out which does not confirm assertion of the complainant. The factum of the parties being closely known to each other is duly established from the report of Child Welfare Officer. In pursuance of the order dated 24.05.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, there are serious allegations against the petitioner.

The learned counsel for the complainant opposes the bail petition.

Keeping in view the fact that the petitioner has joined the investigation, without expressing any opinion on the merits of the case,

the interim bail granted by this Court vide order dated 24.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

07.09.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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