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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37659-2017
Date of decision-24.11.2017

Gourav Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana assisted by
SI Jasbeer Singh.

Mr. Satbir Rathore, 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.40 dated 15.07.2017 registered under Section 366-A of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offence Act (in short POCSO Act”) at Women Police Station, Yamuna Nagar, District Yamuna Nagar.

On 09.10.2017, this Court had passed the following order:-

“Learned counsel contends that in the statement recorded under Section 164 Cr.P.C., there is no such allegation of committing any improper act as reflected in the FIR.

Notice of motion for 24.11.2017.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1.That he shall make himself available for interrogation by a police officer as and when required;

2. That he 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 and;
3. That he shall not leave India without prior permission of the Court”.

It is contended that in pursuance of the order dated 09.10.2017, the petitioner has joined the investigation.

Learned State counsel on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation. Further in the statement of prosecutrix recorded under Section 164 Cr.P.C she stated that she went along with the petitioner out of her house with her own free will and no wrong act had been done with her by the petitioner. Further recovery of motorcycle has been effected.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 09.10.2017, 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.

(JITENDRA CHAUHAN)
JUDGE

24.11.2017

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