

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

CRM-M No. 6750 of 2017(O&M)

Date of decision: 22.3.2017

Ajay Pal

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ajay Arora Bharti, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.43 dated 16.09.2016 registered with Police Station Women, District Sirsa for offence punishable under Sections 323, 341, 379, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioner has submitted that in the FIR lodged at the instance of the complainant, there is reference to two boys but none has been named. However, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 with regard to the second incident happened on the next day, she has referred to only one boy who allegedly held her hand which resulted in altercation between the boy and brother of the prosecutrix and the boy took away phone of her brother. It is further submitted that during investigation, Gurtej, main accused in the case has been arrested and he is in custody. The present petitioner is sought to be indicted in the crime on the basis of statement made by Gurtej during his

custodial interrogation. The last submission made by counsel is that the petitioner is ready to join investigation when otherwise his custodial interrogation is not required as no recovery is to be effected.

Counsel for the State has conceded to the position that Gurtej is the main accused in the case against whom the girl has levelled allegations with regard to holding her hand and entering into altercation.

I have heard counsel for the parties and perused the records.

The petitioner is sought to be indicted in the crime on the basis of statement made by his co-accused in police custody. No recovery is to be effected from him. He is ready to join investigation and face the proceedings in accordance with law.

In view of the above, the petition is allowed and the petitioner is allowed pre-arrest bail with a direction to join investigation within 10 days. In the event of his arrest, he shall be released on bail by the investigating officer subject to the following conditions:-

- (i) He shall join the investigation as and when required by the Investigating Officer.
- (ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) He shall not leave the limits of this country without prior permission of the Court.

MARCH 22, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no