

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5602-2018

Date of Decision:- 12.03.2018

Bhawani

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepanshu Matya, Advocate,
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Rajesh K. Dadwal, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure ('Cr.PC' – for short) for grant of pre-arrest bail to the petitioner in case FIR No.231 dated 23.05.2017 (P-2), under Sections 323, 506 and 34 IPC; Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Section 3 of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short – 'SC&ST Act'), registered at Police Station Pataudi, District Gurugram.

2. It is contended by learned counsel for the petitioner that as a matter of fact the petitioner has been given injuries by the complainant party and to that effect he has already lodged an FIR No.230 dated 23.05.2017, under Sections 323, 34 and 506 IPC, at Police Station Pataudi, District Gurugram. It is further contended that there is no allegation against the petitioner regarding Section 3 of the SC&ST Act and co-accused of the petitioner, namely, Sunny, against whom the main allegations have been levelled, has already been granted the concession of regular bail by learned trial Court and the petitioner is very much available for investigation since 23.05.2017, but no one has contacted him.

3. On the other hand, learned State counsel as well as learned counsel for the complainant have opposed the bail application on the ground that petitioner and co-accused Sunny along with other persons have attacked the complainant party.

4. After hearing the learned counsel for the parties, without commenting anything into the merits of the case, this Court deems it appropriate to allow the petition in view of the fact that the police is not arresting the petitioner for the last one year and he has also lodged an FIR against the complainant party prior in time on account of the injuries having been caused to him. Thus, in view of the stand taken by both the parties, the present petition is allowed and it is directed that the petitioner shall join the investigation before the Investigating Officer within one week and in the event of his arrest, the Arresting Officer would admit him

to bail on his furnishing adequate bail and surety bonds to his satisfaction, subject to the following conditions: -

- i. that the person shall make himself available for interrogation by Police Officer as and when required;
- ii. that the person shall not, directly or indirectly make any inducement, threat or promise to any persons 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. that the person shall not leave India without the previous permission of the Court;

March 12, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes