

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26628-2019 (O&M)

Date of Decision:-17.10.2019

Rajender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by SI Dilbagh Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.38 dated 25.5.2019 at Police Station Rori, District Sirsa, Haryana under Section 354-D of Indian Penal Code and Section 12 of POCSO Act.
2. The FIR was lodged at the instance of Sunita Devi aged 17 1/2 years, wherein it has been alleged that she is studying in Government Senior Secondary School, Alinka and that on 23.5.2019 when she alongwith other girls were waiting for a bus at Bus Stand, Alinka, then she found that Rajinder was following them, who had also been following them earlier. The complainant reported the matter to the Principal, upon which the Principal as well as the Sarpanch Trilochan followed the complainant and they also found that Rajinder Singh was following the complainant on motorcycle. When the Principal and the Sarpanch confronted him, the said Rajinder retorted that he

would continue following the girls in future as well and that they may do whatever they wished to do. Subsequently, a Panchayat was convened, wherein Joga Singh, father of Rajinder Singh, expressed that his son is out of his control.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case due to political rivalry in the village. The learned counsel has further submitted that the petitioner, in any case, is fully cooperating with the investigation.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, wherein specific allegations have been levelled, no case for grant of bail is made out. It has, however, been informed that the petitioner has joined investigation and that the investigation is complete and challan is likely to be filed shortly.
5. Having considered rival submissions addressed before this Court and bearing in mind the nature of allegations and the fact that the petitioner has already joined investigation, this Court does not find that any custodial interrogation is required at this stage. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 10.7.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C..
6. The amount of ₹50,000/-, which was required to be deposited by the petitioner before the Illaqa Magistrate as per order dated 10.7.2019, shall be disbursed to the complainant unconditionally. It is further clarified that in

case the aforesaid amount is not deposited, the same be deposited within a period of one week from today failing which it shall be open to the complainant to seek cancellation of bail.

17.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No