

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-35901 of 2019

Date of Decision: 27.11.2019

Kayyum

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- None for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Saleem Ahmed, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.268 dated 22.06.2019 under Sections 323, 452, 34 IPC and Section 8 POCSO Act registered at Police Station Ferozepur Jhirka, District Nuh.

The allegations against the petitioner is that he along with other accused entered into the house of the complainant and finding his sister alone, started teasing her with bad intention. He touched her breast and private parts and when the victim raised an alarm, the petitioner started beating her and threatened her to kill her and torn her clothes.

Vide order dated 30.08.2019, interim bail was granted to the petitioner and he was directed to join investigation.

Learned State counsel, on instructions from the IO, states that the petitioner has joined the investigation and no recovery is required to be effected from him.

However, counsel for the complainant has argued that the allegations against the petitioner are serious, as he has outraged the modesty of a minor girl aged about 13-14 years.

However, learned State counsel says that the age of the victim is about 15 years.

I have heard learned counsel for the parties.

Pursuant to order dated 30.08.2019, the petitioner has joined the investigation. This Court finds that the alleged occurrence had taken place on 10.06.2019 whereas the FIR in question was registered on 22.06.2019 and there is no plausible explanation for such an inordinate delay in registering the FIR.

Therefore, considering the fact that the petitioner has joined investigation and his culpability is yet to be established during trial, the present petition is allowed and the interim order dated 30.08.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

November 27, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No