

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24419-2020

Date of decision: - 12.11.2020

Neeraj Kumar @ Neeraj

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rahul Bhargava, Advocate, for the petitioner.

Ms. Tanisha Peshwaria, Deputy Advocate General, Haryana.

Mr. J.P. Sharma, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 415 dated 31.12.2019, under section 323, 452, 506, 147, 149 of IPC and Section 3 of SC/ST Act 1989, registered at Police Station Nangal Chaudhri, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 04.09.2020. Order dated 04.09.2020 is as under:-

“Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 415 dated 31.12.2019, under section 323, 452, 506, 147, 149 of IPC and Section 3 of SC/ST Act 1989, registered at Police

Station Nangal Chaudhri, District Mahendergarh.

Learned counsel for the petitioner argues that petitioner is 19 years of age and is a brilliant student and the allegations, which have been alleged against the petitioner, are incorrect. Learned counsel for the petitioner submits that the complainant had taken loan from the father of the petitioner and the dispute only arose on account of non-returning of the same.

Notice of motion.

Ms. Rajni Gupta, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. J.P. Sharma, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant. Learned State counsel submits that serious allegations have been alleged and the injuries have been attributed to the petitioner, though, both the injuries are simple in nature. Learned State counsel states that the weapon used for inflicting the injuries is yet to be recovered and, therefore, the prayer for the grant of anticipatory bail to the petitioner may kindly be rejected.

Learned counsel appearing on behalf of the complainant submits that the complainant alongwith his wife and young daughter-in-law are residing in the area and his son, who is in Border Security Force, is manning the Border for the nation. Learned counsel further submits that the father of the petitioner, namely, Babu Lal was keeping a bad eye on the daughter-in-law of the complainant and he also molested her in the month of October, 2019 and upon the matter being brought to the notice of the Village Panchayat, he felt remorseful and now in order to take the revenge, the petitioner alongwith his other associates as well as his father Babu Lal, inflicted the injuries upon the victim and uttered words in violation of the SC and ST Act, 1989.

I have heard learned counsel for the parties and have gone through the record carefully.

The petitioner is a young boy of 19 years of age. The injuries attributed to the petitioner are admittedly simple in nature. As far

as the claim of the respondent-State that recovery of the weapon is yet to be done from the petitioner, learned counsel for the petitioner states that petitioner is ready to join the investigation and cooperate with the police.

With regard to the allegations of molestation of the daughter-in-law of the complainant, those are against the father, namely, Babu Lal, who is not the petitioner in those proceedings. These allegations will be considered at the time if, Babu Lal approaches this Court for the grant of anticipatory bail.

Keeping in view the aforesaid facts, the petitioner is directed to join the investigation and cooperate with the police.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

- (i) That he shall make themselves available for interrogation by the police officer as and when required.*
- (ii) 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 the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.*

Adjourned to 11.11.2020.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Raj Karan states that in terms of the order of this Court reproduced before, the petitioner has

joined the investigation and no further interrogation is required, at this stage.

In view of the above, the order dated 04.09.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 12, 2020
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No