

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(202)

CRM-M-25200-2020

Date of Decision: November 09, 2020

Ankush

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajnikant Upadhyay, Advocate, for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No.281 dated 18.06.2020 under Sections 363, 366-A, 368, 201, 120-B, 506, and 376 IPC as well as Section 6 of the POCSO Act (added later on) registered at Police Station Sonipat Sadar, District Sonipat.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 31.08.2020. Order dated 31.08.2020 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.281 dated 18.06.2020 under Sections 363, 366-A, 368, 201, 120-B, 506, and 376 IPC as well as Section 6 of the POCSO Act (added later on) registered at Police Station Sonipat Sadar, District Sonipat.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and no allegation has been alleged against the petitioner so as to connect him with

the allegation of rape. Learned counsel for the petitioner argues that only allegation against the petitioner is that the accommodation was arranged by him for the main accused. Learned counsel for the petitioner further submits that the said allegation of providing the accommodation as well as the allegation connecting him to Section 120-B IPC, are yet to be proved in the Court of law and the petitioner is ready to co-operate with the investigation after joining the same.

Notice of motion.

Ms. Safia Gupta, learned Assistant 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.

Learned counsel for the respondent-State concedes that the petitioner was not named in the FIR and there are no allegations alleged against the petitioner in respect of Section 376 IPC and the only allegation against the petitioner is for providing the accommodation where the main accused Ashish had taken the prosecutrix, hence, as the petitioner provided the said accommodation, where the incident took place, petitioner is as guilty as the main accused.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded position that the petitioner was not named in the FIR and there are no allegations against the petitioner to connect him with the allegation of rape and the allegations of providing the accommodation on the asking of the main accused are yet to be proved in the Court of law and as the petitioner has undertaken to join and cooperate in the investigation, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

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 himself 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 09.11.2020.

It is, however, made clear that after the petitioner joins 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 Krishan Singh, 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.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 31.08.2020 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 09, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No