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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.9496 of 2020  
Date of Decision: 22.02.2021**

**MAMCHAND @ KARNA @ GHASI.....Petitioner  
Vs  
STATE OF HARYANA .....Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Surender Dhull, Advocate  
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Sukhdev Singh, Advocate  
for the complainant.

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**RAJ MOHAN SINGH, J. (Oral)**

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.17 dated 14.01.2020 registered under Sections 376-D, 328 and 342 IPC at Police Station Kundli, Sonapat District Sonapat.

Vide order dated 04.03.2020, the arrest of the petitioner was stayed on the premise that petitioner was not named in the FIR. He was never known as Karna or Ghasi, rather he was known by the name of Mamchand in the village.

Thereafter vide order dated 19.11.2020, petitioner was

directed to appear before the Investigation Officer to join the Investigation with interim directions.

Petitioner was nominated on the basis of disclosure statement of co-accused Sandeep, who has already been granted regular bail by this Court vide order dated 19.11.2020 passed in CRM-M No.11594 of 2020. Qua the co-accused statement of the prosecutrix was recorded on 14.01.2020 in which she named Tinku and one Sandeep Patil. She further stated that she would identify the accused if brought before her. Thereafter the prosecutrix submitted her affidavit before the Police on 19.02.2020 exonerating Sandeep Patil from the act. She further stated that the accused Sandeep Patil was shown to her by the Police on 15.01.2020 in the Police Station and she stated that Sandeep Patil was not the boy who had actually committed bad act with her.

Learned State counsel on instructions from SI Naresh Kumar admitted the aforesaid fact and submitted that the petitioner in compliance of order dated 19.11.2020 has joined the investigation to the entire satisfaction of the Investigating Officer. He is no more required for further investigation of the case.

Since the petitioner was nominated on the basis of disclosure statement of the co-accused Sandeep, therefore, the

complicity of the petitioner would remain debatable in view of bail granted to him vide order dated 19.11.2020 in CRM-M No.11594 of 2020.

In view of aforesaid factual position, the interim order dated 19.11.2020 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

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|---------------------------|-------------------|--|
| February 22, 2021         | (RAJ MOHAN SINGH) |  |
| Atik                      | JUDGE             |  |
| Whether speaking/reasoned | Yes/No            |  |
| Whether reportable        | Yes/No            |  |