

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

Sr. No.205

CRM-M-27854-2021

Date of Decision: 01.11.2021

AKASH VERMA

... Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No 170 dated 28.05.2021 under Sections 354, 354-D, 506 & 34 IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 19.07.2021.

Order dated 19.07.2021 is as under:-

“ Present is the second petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.170 dated 28.05.2021, registered under Sections 354, 354-D, 506 & 34 IPC and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Hodal, District Palwal.

Learned counsel for the petitioner argues that the petitioner is known

to the prosecutrix and they were friends and the said averment is being supported on the basis of the messages, which were exchanged between them. Learned counsel for the petitioner further argues that the relationship between the petitioner and the prosecutrix is not liking to the father of the complainant. Learned counsel for the petitioner submits that only allegations as of now are of eve teasing and passing obscene remarks. Learned counsel for the petitioner further submits that the petitioner is ready to join and cooperate in the investigation to unearth the truth behind the allegations alleged by the complainant, who is father of the prosecutrix.

Notice of motion for 01.11.2021.

Ms. Shubhra Singh, 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 respondent-State.

Learned State counsel submits that the petitioner is not joining the investigation as of now and hence, the plea put-forward before this Court is yet to be established.

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

Keeping in view the allegations alleged against the petitioner and the fact that he has already undertaken before this Court that he will join the investigation and cooperate, petitioner has made out a case for the grant of anticipatory bail.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Om Parkash, 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 19.07.2021 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.

(HARSIMRAN SINGH SETHI)
JUDGE

01.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No