

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

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**CRM-M-39492-2021
Decided on : 27.10.2021**

Rajan

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Angel Sharma, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by ASI Dharmender.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 288, dated 03.09.2015, under Sections 363, 366-A, 120-B of IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Chandhut, Tehsil and District Palwal, Haryana (annexed as Annexure P-1), wherein, the cancellation report had been submitted by the police and the petitioner summoned under Sections 366-A, 506 (II), 120-B of IPC and Section 6 of the POCSO Act, 2012 by the Special Court/ASJ (Fast Track), POCSO Palwal (annexed as Annexure P-4).

The case of the petitioner was that the investigating agency had rightly not found any substance in the allegations levelled against the petitioner, which resulted in the preparation and submission of a cancellation report. However, vide order dated 09.04.2021 (Annexure P-4), the petitioner had been summoned to face trial. It had also been contended that even though the petitioner was named and assigned a role in the FIR in

question, which had been registered at the instance of the victim's father, however, in her statement recorded under Section 164 Cr.P.C., no allegations had been levelled against the petitioner by the victim. In support of his submissions, learned counsel had referred to the contents of the FIR, annexed as Annexure P-1, wherein, it stood clearly revealed that the prosecutrix had named only two persons i.e. Satish and Vishnu and had failed to name third person. It had thus been vehemently argued by learned counsel that it was indeed very strange as to how the father of the victim while filing the protest petition, could have named the petitioner when the victim herself had failed to level any allegation against him.

The submissions made by learned counsel for the petitioner went un-controverted by the learned State counsel. It was rather conceded by the learned State counsel on instructions from ASI Dharmender, that a cancellation report had indeed been submitted before the trial Court, which of course, was not accepted and it was in this background that the petitioner had been summoned to face trial vide order dated 09th April, 2021 (Annexure P-4).

Vide order dated 04th October, 2021, the petitioner had been directed to appear before the trial Court concerned within 10 days with further direction that on appearance, the petitioner shall be admitted to interim bail on his furnish bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

In pursuant to the aforesaid directions, the petitioner has produced the certified copy of the order dated 07th October, 2021, passed by the trial Court, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned State counsel has not disputed the aforesaid fact.

In view of the above, the petition is allowed and interim order dated 04th October, 2021, is made absolute.

(MANJARI NEHRU KAUL)
JUDGE

October 27, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*