

105

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.44959 of 2021 (O&M)

Date of decision: 28.10.2021

Sarita and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sushil Jain, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.375 dated 05.10.2021 registered under Sections 109, 306, 376-D, 506, 511 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Gohana Sadar, District Sonapat.

Counsel for the petitioners has argued that the petitioners are parents of a girl named 'N' (name not disclosed). It is further submitted that the husband of the complainant Om Parkash (since deceased) was plying a private vehicle to carry children from village to school in Gohana and the daughter of the petitioners 'N' was sexually assaulted by Om Parkash on 23.09.2021 and thereafter, she was taken to hospital from where, she was referred to PGIMS, Rohtak and ultimately, an FIR No.72 dated 28.09.2021 under Sections 354, 376, 506 IPC and 10, 6 of the Protection of Children from Sexually Offences Act, 2012, registered at Women Police Station Gohana, District Sonapat. It is further submitted that on coming to know the said fact that an FIR has been registered against him, later on, Om Parkash

committed suicide in Mangolpuri Kalan, Delhi on 04.10.2021.

Counsel for the petitioners has also submitted that at that time, the statement of the complainant Sangeeta was recorded by Delhi Police wherein she has referred to the allegations made by the petitioners in the aforesaid FIR No.72 regarding commission of sexual assault by Om Parkash, however in the said statement, the complainant has nowhere stated that the petitioner No.2 has tried to commit rape upon the complainant. It is also submitted that even otherwise from the bare perusal of the FIR, nothing is made out that they have abetted Om Parkash, in such a manner that he has committed suicide and rather they are pursuing their remedy for getting justice for their minor daughter.

Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent – State while Mr. Vikram Singh, Advocate has appeared on behalf of the complainant.

Counsel for the State as well as counsel for the complainant have not disputed the fact that at the first instance when the statement of the complainant was recorded by Delhi Police immediately, after the death of Om Parkash on 04.10.2021, there was no such allegation of making an attempt to rape with the complainant Sangeeta, wife of Om Parkash at the instance of petitioner No.2.

Counsel for the complainant has also submitted that the husband of the complainant was put under such a pressure that he committed suicide.

After hearing the counsel for the parties and going through

the facts and circumstances of the case and the allegations in the FIR as well as the statement of the complainant recorded by Delhi Police and the medical evidence suggesting that the minor 'N' was subjected to sexual assault by deceased Om Parkash, this petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They 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 such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.*

(ARVIND SINGH SANGWAN)
JUDGE

28.10.2021
yakub

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