

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

Criminal Misc.-M No.40950 of 2020
Date of Decision: February 09, 2021

Jaikam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.345 dated 28.06.2019, under Sections 363, 366-A, 34 IPC, 1860, Sections 363-A and 376 IPC (added later on), Section 6 POCSO Act, 2012 and Section 363 IPC (deleted subsequently), registered at Police Station, Tauru, District Nuh. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 16.12.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel has invited the attention of the Court to the statement of the victim dated 03.07.2019 recorded under Section 164 Cr.P.C., wherein nothing incriminating was stated against the petitioner. He has further pointed out that the

petitioner and victim were already known to each other and, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 09.02.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from L/SI Rajma Devi, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 16.12.2020 is made absolute.

February 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No