

CRM-M-1239-2022

Date of decision: 07.04.2022

BALRAM

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tushar Gautam, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

VIVEK PURI, J. (ORAL)

On 12.01.2022, the following order was passed:-

“The matter has been taken up through Video Conferencing due to Covid-19 pandemic.

The petitioner is seeking anticipatory bail in the case bearing FIR No.179, dated 10.05.2019, under Sections 120-B, 354-B, 452 & 506 of the IPC and Section 8 of the POCSO Act, registered at Police Station Chandhut, District Palwal.

Learned counsel for the petitioner contends that the petitioner was found innocent during the course of investigation, he, along with co-accused namely Rajender, has been summoned under Section 319 of the Cr.P.C., the challan was initially presented against Keshav and he is on bail. It has been further stated that trial of the case is fixed for 27.01.2022.

Notice of motion.

Mr. Zorawar S.Chauhan, DAG, Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 07.04.2022.

Meanwhile, it is directed that the petitioner shall surrender before the learned trial Court on or before 27.01.2022 and on his doing so, he shall be released on interim bail to the satisfaction of the learned trial Court/Duty Magistrate and it is further directed that the petitioner shall comply with the conditions as envisaged under Section 438

(2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that the petitioner who has been summoned under Section 319 Cr.P.C. has surrendered before the learned trial Court and has been admitted on interim bail in pursuance of the interim directions issued by this Court.

On instructions from ASI Shobha, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has been summoned under Section 319 Cr.P.C and surrendered before the trial Court in pursuance of interim directions issued by this Court. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

In view of the aforesaid submissions, the order dated 12.01.2022, 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.

It is further directed that the petitioner shall furnish fresh bail bonds to the satisfaction of the trial Court within a period of one month from today.

The petition is allowed.

07.04.2022
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(VIVEK PURI)
JUDGE

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