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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.1096 of 2022 (O&M)

Decided on: 08.03.2022

Kamal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satish Saini, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.395 dated 01.10.2021 registered under Sections 34, 365 & 377 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Jhajjar, District Jhajjar.

The operative part of the order dated 12.01.2022, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present FIR and the actual facts are that the victim in the present FIR attempted rape upon the daughter of the petitioner and as the daughter of the petitioner retaliated, while trying to escape, the victim fell from height and ran away from the spot, for which act the petitioner had also got registered an FIR against the victim being FIR No.220 dated 01.10.2021 and the present FIR has been falsely got registered against the petitioner so as to avoid action in FIR No.220 dated 01.10.2021. Learned counsel for the petitioner submits that from the record of the hospital, it is clear that initially the victim had attributed the reasons for his injury to him having taken a fall from some height and

only after two and a half hours of doing so, the victim again went to the hospital and changed his earlier version and narrated the story as mentioned in the complaint, which has also not been corroborated by his medical records.

Learned counsel for the petitioner further submits that even otherwise, once there was a dispute going on between the two families with regard to the occupation of the house, why the victim will accompany the petitioner and his brother without raising any alarm. Learned counsel for the petitioner submits that as the petitioner is ready to join and cooperate in investigation and nothing is to be recovered from him, he may kindly be extended the benefit of anticipatory bail.

Notice of motion for 08.03.2022.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State of Haryana.

Learned State counsel concedes the fact that the petitioner has also got registered an FIR against the victim/complainant and his family with regard to attempt of rape upon his daughter. Learned State counsel submits that though, initially before the hospital the complainant gave reason of his injuries as him having taken a fall from some height, which story was later on changed by him, but as the allegations alleged against the petitioner are serious in nature, his custodial interrogation is necessary. Learned State counsel further concedes that nothing is to be recovered from the petitioner.

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

Keeping in view the facts and circumstances noticed hereinbefore, where two different stories have come before the police authorities by way of two FIRs, the investigation of the same will only bring out the truth. As nothing is to be recovered from the petitioner and actual facts are yet to be unearthed by the Investigating Agency during the course of investigation and as learned counsel for the petitioner has undertaken before this Court that the petitioner will join and cooperate in investigation, the petitioner has made out a case for the grant of benefit of anticipatory bail....”

Counsel for the petitioner has submitted that, in pursuance

to the order dated 12.01.2022, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from SI Naresh Kumar, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 12.01.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

08.03.2022
yakub

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