

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2232-2022

Date of Decision: 11.07.2022

SUNNY

... PETITIONER

VS.

STATE OF HARYANA & ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ranbir Singh, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Mr. Parveen Chauhan, Advocate for respondent No.2/complainant.

VIVEK PURI, J.(ORAL)

On 03.02.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.135 dated 16.03.2021 (Annexure P-1) under Sections 363, 366-A, 365, 506 and 34 IPC, 1860 and Section 8 of POCSO Act 2012 and Section 3(2) of SC/ST Act registered at Police Station Gharaunda District Karnal.

Learned counsel for the petitioner inter alia contends that subsequent to the registration of the FIR in question, the investigating agency found the petitioner innocent, as a result of which, he was placed in Column No.2. However, after the examination- in-chief of the prosecutrix an application under Section 319 Cr.PC was moved by the complainant, which was allowed and resultantly, petitioner was summoned to face trial as an accused alongwith other accused. He further submits that the petitioner has genuine apprehension that as and when he appears before the trial Court on the next date of hearing, he could be taken into the custody. He still further submits that in the facts and circumstances of the case, his custodial interrogation would not be required as it would not serve any purpose.

Notice of motion for 30.05.2022.

Meanwhile, the petitioner is directed to appear before the trial Court within a period of two weeks from today. On his appearance, he shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

A copy of the order be produced on the next date of hearing.”

Learned counsel for the petitioner has placed on record copy of the order dated 08.02.2022 passed by learned trial Court which indicates that the petitioner had surrendered before the trial Court and admitted on interim bail.

Learned State counsel, on instructions from ASI Manjeet Singh, has not assailed the aforesaid factual aspect(s).

The petitioner has been summoned under Section 319 Cr.P.C. and he had surrendered before the trial Court in pursuance of interim directions issued by this Court.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 03.02.2022 is made absolute. However, the petitioner shall furnish fresh bail bonds before the trial Court/Duty Magistrate within a period of one month and shall comply with the conditions as envisaged under Section 438 (2) Cr.P.C.

Accordingly, petition is allowed.

11.07.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No