

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30794-2021

Date of Decision: 13.12.2022

VIJAY KUMAR @ BRIJESH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Anand Bishnoi, Advocate for
Mr. Nikhil Kumar Vashisht, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in the case bearing
FIR No.156 dated 25.03.2021 under Sections 342, 506 IPC and Section 4 of
POCSO Act and Section 376 (3) IPC added later on, registered at Police
Station Krishna Gate, Thanesar, District Kurukshetra.

On 04.08.2021, the following order was passed:-

“Learned counsel for the petitioner herein would
inter alia contend that he has been falsely implicated in
the said FIR primarily to extort money from him. It is
argued that the daughter of the petitioner and he were
friends. However, no such act of rape has been
committed upon the daughter of the complainant as
would be evident from the MLR that was conducted.
Counsel would submit that there is enough proof
available with the petitioner herein to substantiate the
plea that the father of the petitioner herein is extorting
money from him. He is ready to join investigation and
hand over the motorcycle that is required by the Police.

Notice of motion.

Ms. Deepshikha Chauhan, A.A.G., Haryana,
appearing through the medium of video conferencing,
accepts notice on behalf of the respondent-State.

On the asking of the Court, learned State counsel
has, on instructions from ASI Pawandeep Kaur, verified
that there are no injury on the body of the victim to
substantiate the plea of an offence under Section 376
IPC.

Adjourned to 11.01.2022.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, as per status report submitted by the respondent-State, out of 19, 03 witnesses including the victim has already been examined.

Learned State counsel, on instructions from ASI Jugal Kishora, has not disputed the aforesaid factual assertion as put forth by the learned counsel for the petitioner and further submits that custodial interrogation of the petitioner is not required.

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 04.08.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.12.2022
smriti

(VIVEK PURI)
JUDGE

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