

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29281-2022

Date of Decision: 29.11.2022

BABBU @ RAJESH KUMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. G.S.Bhinder, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J.(ORAL)

On 07.09.2022, the following order was passed in the main
case:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.215 dated 13.05.2022 under Sections 363, 366-A IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Rania, District Sirsa.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim, who is stated to be aged about 14½ years, alleging that on 13.05.2022, the victim had gone to the school and did not return back.

Learned counsel for the petitioner contends that the victim has been recovered on the following day and in her statement under Section 164 Cr.P.C., she has not attributed any allegation against the petitioner. There is nothing to indicate that the petitioner had exercised any threat, pressure or allurement upon the victim when she accompanied him. Even the victim has not attributed allegation of any sexual assault and had refused for medical examination. There is no allegation to the effect that the petitioner was aware of the caste of the

complainant or his daughter and in such circumstances, it will be a debatable and moot point as to whether the penal provisions of Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are attracted or not.

Adjourned to 20.10.2022.

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 contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. The offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been added subsequent to the registration of the FIR and disposal of the bail application by the Court of Session.

Learned State counsel, on instructions from SI Rajender Singh, has not disputed the aforesaid factual aspects 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 petitioners. Accordingly, order dated 07.09.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

29.11.2022
smriti

(VIVEK PURI)
JUDGE

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