

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37572-2021 (O&M)

Date of Decision: 23.02.2022

SUNIL KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Tyagi, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*
* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking pre-arrest bail in case bearing FIR No. 92
dated 27.01.2021 under Sections 376-D and 376(2)(e) IPC (added later on),
registered at Police Station Old Industrial Panipat, District Panipat, Haryana.

On 10.09.2021, following order was passed:

“Learned counsel for the petitioner prays for anticipatory bail to the petitioner while contending false implication. It is submitted that in fact the petitioner is in charge of a ward and there was an altercation that took place between the father of the prosecutrix regarding the allocation of a bed, due to which he has been roped in the present case .

It is contended the statement of the prosecutrix who is aged 25 years was recorded before the JMIC, Panipat, in which she had alleged that one Manjit had done wrong act with her after locking the door from inside.

Notice of motion.

Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of the respondent-State and submits that there is a CCTV footage which would reflect that two boys were entering the ward.

I have heard learned counsel for the parties and on asking of the court whether there is any medical/FSL/DNA report available to implicate the petitioner herein, the Court is informed it as negative.

Petitioner is directed to join the investigation within a period of one week and in the event of arrest, the

petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

Adjourned to 23.02.2022.

However, while allowing the petitioner to join the investigation the investigation, it is brought to the notice of the Court that in para 2 of the petition, the name of the prosecutrix is reflected, which needs to be deleted. Consequently, this Court permits the counsel for the petitioner, who is present in Court to delete the name and blacken the same in the Court itself.

Registry is also directed to delete the name of the prosecutrix in the scanned copy as well.”

Learned counsel for the petitioner contends that in the statement under Section 164 Cr.P.C., the prosecutrix has not imputed anything against the petitioner, the investigation of the case is complete, the trial is pending wherein the prosecutrix and her father have not supported the prosecution version and the co-accused Manjit has been released on regular bail. Besides, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Bansilal, has not disputed the aforesaid factual aspect of the case. It has been stated that the petitioner has joined the investigation and his custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 10.09.2021 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

23.02.2022
Janki

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