

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40875-2022 (O&M)

Date of Decision: 27.09.2022

SHAMSHER

... PETITIONER

VS.

THE STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ajay Shekhawat, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J.(ORAL)

On 08.09.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 16 dated 10.02.2021 for offence under Sections 120-B, 366-A, 376-D(A), 506 IPC and Section 6 & 17 of the Protection of Children From Sexual Offence Act, 2012 as well as Section 3(1) (s), 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Women Jind, District Jind.

Learned counsel appearing for the petitioner contends that the petitioner was found innocent during the course of investigation and he has been summoned on an application filed under Section 319 Cr.P.C. Although, the allegations with regard to the commission of rape have been attributed to the petitioner but in the statement of the victim, which has been recorded before the trial Court under Section 164 Cr.P.C., she has been attributed the commission of rape against one person only. Moreover, the petitioner has assailed the order vide which he has been summoned on the application under Section 319 Cr.P.C., vide which CRR No. 1427 of 2022 is pending in this Court for 27.09.2022.

The next date in the case before the trial Court is stated to be fixed on 12.09.2022.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana, accepts notice on behalf of the respondent-State.

The petitioner is directed to surrender before the trial Court on or before 12.09.2022 and on his doing so, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the trial Court. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

List on 27.09.2022.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has surrendered before the trial Court.

Learned State counsel, on instructions from ASI Reena, has not assailed the aforesaid factual aspect of the matter.

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 08.09.2022, vide which the petitioner has been granted interim bail, is made absolute. However, the petitioner is directed to furnish fresh bail bonds in the trial Court within a period of 30 days.

Petition is allowed.

27.09.2022
smriti

(VIVEK PURI)
JUDGE

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