

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-52877-2022
Date of decision : 20.12.2022

Gaurav

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Ms. Ambika Sood, Additional A.G, Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner-Gaurav has filed the instant petition under Section 438 of Cr.P.C. for grant of concession of anticipatory bail in FIR No.217 dated 14.03.2019, registered under Sections 323, 341, 354-A, 354-B, 34 IPC and Section 8 of POCSO Act at Police Station Sadar Palwal, District Palwal.

The facts of the case are that the complainant i.e. victim gave her statement that she is 16 years old and student of 10th class. On 14.03.2019 at about 09.00 a.m. she was going to the plot for tethering the cattle. On the way the petitioner-Gaurav started pulling her towards his house and started molesting her. On the alarm raised by her, her mother-Savitri came and tried to rescue her. The parents of the petitioner, Rajan and Sunita came there and started fighting with them. In this scuffle ear-ring of her mother fell down and clothes of her mother were also ripped. The reason behind this occurrence was that earlier one FIR was registered on her statement, under Section 376 IPC

at Police Station Sadar Palwal, District Palwal. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that no such occurrence took place. In fact he has been acquitted for the offence under Section 376 IPC in FIR No.624/2018. After registration of this case investigation was carried out and the allegations levelled by the victim against him and his family members were found to be false and cancellation report has been prepared and submitted in the Court. The said cancellation report is contested by the complainant by filing protest petition. The learned court after cognizance on the said protest petition has issued summons to the petitioner under Section 61 of Cr.P.C. by treating it as a complaint case. He is summoned along with his parents namely Rajesh and Sunita. It is pointed out that anticipatory bail of his parents has been granted by the learned Addl. District & Sessions Judge, Palwal. Even he is ready to face the trial, it is prayed that his anticipatory bail application may be allowed.

Learned counsel representing the State has filed the status report confirming the fact that cancellation report was submitted and filed in the court on 25.02.2021. The learned Special Court has issued summons to the present petitioner who is seeking anticipatory bail. It is further pointed out that he is involved in two other cases i.e. FIR No.624/2018 under Section 376 IPC, in which he is acquitted and FIR No.42/2020 under Section 363, 365, 366-A, 34 IPC which is still pending. However, SI Durga Prasad present in the court confirmed that petitioner is not required for any purpose.

I have considered the facts of the case. The police after investigation presented the cancellation report and on the protest

petition by treating it as a complaint, notice has been issued to the present petitioner and his parents. SI Durga Prasad confirmed that the petitioner is not required for investigation. Moreover, he had already joined the investigation and by finding no truth in the version of complainant, cancellation report was submitted. Now the petitioner is ready to abide by the terms of bail order. No purpose would be served by sending him behind the bars.

Considering these facts, he is directed to surrender before the learned trial Court/Illaqa Magistrate within 15 days from today and be released on bail on furnishing bail bonds/surety bonds to its satisfaction.

Accordingly, the present petition stand disposed of.

(AMARJOT BHATTI)
JUDGE

20.12.2022
Sunil Devi

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