

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

210

CRM-M-814-2023

Date of Decision: 20.04.2023

Babru Bhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Krishan Kanha, Advocate for
Mr. Narinder Lucky, Advocate for the petitioner
Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 09.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.418 dated 09.12.2022, registered at Police Station Bhuna, District Fatehabad, under Sections 202 and 34 of IPC, 1860, Section 12 of POCSO and Section 75 of JJA, 2015.

Learned counsel for the petitioner inter alia contends that petitioner is a Sanskrit teacher and co-accused i.e. Head Master of the school has already been granted concession of regular bail after custody of one day. The allegation of sending whatsapp messages to the daughter of the complainant is totally false and petitioner has been wrongly implicated in the commission of alleged offence.

Notice of motion returnable for 27.01.2023.

On the asking of Court, Ms. Dimple Jain, AAG, Haryana, who is present in court on advance notice, seeks time to file status report.”

2. On 27.01.2023, the following order was passed:-

“Status report by way of affidavit dated 24.01.2023 of Jugal Kishore, Deputy Superintendent of Police, Fatehabad, District Fatehabad filed by respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

Learned counsel for the petitioner, inter alia submits that petitioner, about two months back from the date of alleged incident, had moved an application seeking his transfer on account of dispute with parents of the victim.

On being confronted with this fact, learned State counsel seeks time to verify the factual position from concerned quarters.

The petitioner is directed to hand over his mobile to Investigating Officer and Investigating Officer shall refrain from arresting the petitioner till the next date.

Adjourned to 14.02.2023.”

3. Learned State counsel confirms that petitioner has handed over his mobile which has been sent to FSL and the report is still awaited. She further submits that petitioner may be directed to join investigation as and when asked by the Investigating Officer.

4. In view of the above facts and circumstances, the petition is allowed and the interim protection granted to the petitioner vide order dated 27.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner is directed to join investigation as and when summons under Section 160 Cr.P.C. are issued by Investigating Officer.

5. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

20.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>