

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

206

CRM-M-11178-2023

Date of Decision: 03.05.2023

Salman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Inderjeet Singh, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by SI Bhupinder Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') is seeking concession anticipatory bail in FIR No.35 dated 07.02.2023 under Sections 341, 365, 354-D and 506 of Indian Penal Code, 1860 (for short '**IPC**') and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short '**POCSO Act**') registered at Police Station Chhachrauli, District Yamuna Nagar.

2. On 27.03.2023, the following order was passed:-

“Learned counsel for the petitioner further submits that petitioner is ready to join investigation and co-operate the Investigating Officer. Nothing has to be recovered from the petitioner. The motorcycle alleged to be used in the commission of alleged crime is not owned by the petitioner.”

From the perusal of statement of co-accused and FIR, it appears that statement of co-accused is verbatim replica of the FIR. The maximum sentence prescribed under Section 354-D of Indian Penal Code, 1860 as well as Section 8 of Protection of Children from Sexual Offences Act, 2012 is 5 years.

Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590; Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 SCC 427; Satender Kumar Antil v. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375; Shri Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 Supreme Court Cases 565; Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before Investigating Officer on 04.04.2023 and thereafter as directed by Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 03.05.2023.

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.”

3. Learned State counsel submits that petitioner has joined investigation and no custodial interrogation is required.
4. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 27.03.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.
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.
6. 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

03.05.2023
Mohit Kumar

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