

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 105

Criminal Miscellaneous No.M-18691 of 2023

Date of Decision: April 18, 2023

Asman alias Ashu

..... PETITIONER(S)

VERSUS

The State of Haryana

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Arvind Bansal, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.123 dated 29.09.2021, under Sections 328, 366, 376-D, 506 read with Section 34 of IPC and Section 6 of the POCSO Act, 2012, registered at Women Police Station Kaithal, District Kaithal.

2. Learned counsel for the petitioner contends that the allegations levelled by the complainant/victim, aged about seventeen years and eleven months, were found false against the petitioner and two other co-accused, namely, Anu and Manju Rani. The challan was presented only against co-accused Manoj. Subsequently, on an application under Section 319 Cr.P.C. having been filed, the petitioner has been summoned as additional accused to face trial vide order dated 01.12.2022. His anticipatory bail application has been dismissed by the trial Court vide order dated 24.03.2023, and it is apprehended that he will be taken in custody on appearing before the trial Court. He further submits that the petitioner will appear and face the trial.

3. Notice of motion.
4. Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent-State.
5. Learned State counsel, on instructions from ASI Sudesh, submits that investigation of the case is already complete and challan stands filed. Therefore, the petitioner is not required for custodial interrogation at this stage.
6. Submissions made by learned counsel for the parties have been considered.
7. The petitioner has been summoned as additional accused to face trial along with co-accused Manoj Kumar. It is not a case where his custodial interrogation is required by the Investigating Agency. Nor is there any apprehension expressed that he will threaten or influence the witnesses, or hamper trial in any manner.
8. In view thereof, the petition is allowed. The petitioner is directed to appear before the trial Court, and on his doing so, he will be admitted to bail on furnishing bail/surety bonds to the satisfaction of trial Court.

(Tribhuvan Dahiya)
Judge

April 18, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No