

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24571-2023 (O&M)
Date of Decision : 20.09.2023

Mohd. ArifPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jamshed Ahmed, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Ms. Rosi, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.171 dated 17.04.2023 under Sections 323, 341, 354-A, 354-B, 354-D, 452, 506 of the Indian Penal Code, 1860 and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Sadar Tauru, District Nuh (Haryana).

2. On 06.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.171 dated 17.04.2023 under

Sections 323, 341, 354-A, 354-B, 354-D, 452, 506 of the Indian Penal Code, 1860 and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Sadar Tauru, District Nuh (Haryana).

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. It is further the contention that the incident is of 13.04.2023 and the FIR has been lodged on 17.04.2023.

Notice of motion.

On the asking of the Court, Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the State and she, on instructions from SI Vanita, has stated that the eye-witnesses to the incident, despite being called by the Investigating Officer, are not coming forward for recording their statements.

List on 20.09.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in

Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel would contend that the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Anju, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 06.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Additionally, given the nature of the allegations and the other circumstances, the petitioner shall not enter the property, workplace, and the residence of the victim and shall not approach the victim or her family in any manner. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence or cause any discomfort to the victim.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

September 20, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO